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ACTS

AND

JOINT RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

DURING THE

EXTRA SESSION OF 1902-3-4.

RICHMOND:

J. H. O'BANNON, SUPERINTENDENT OF PUBLIC PRINTING.

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B

Acts and Joint Resolutions.

CHAP. 1.—An ACT providing for the compensation and mileage of members, committees, officers, and employees of the general assembly, and for the payment of the same.

Approved July 25, 1902.

1. Be it enacted by the general assembly of Virginia, That—

First. The speaker of the house of delegates and the president of the senate shall each receive seven dollars per day for the time when the general assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law; and the other members of the general assembly shall receive for their services four dollars per day for the time when the general assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law. Any sick member, or one who shall have obtained leave of absence, shall receive such salary as is due him in the same manner as if he had been in his seat. If during any session of the general assembly any member shall die or otherwise vacate his office, and his successor be elected, the personal representative of the deceased member shall receive the uncollected compensation up to the date of the death of the said member, and the successor to said deceased member shall receive the said per diem, beginning from the day of his election; and members of legislative committees which may sit during any recess of the general assembly shall receive compensation at said rate of four dollars per day.

Second. The members of the general assembly, the officers and employees of each house thereof, and members of legislative committees which may sit during any recess of the general assembly, each shall receive as and for their mileage ten cents per mile for every mile of necessary travel to and from the place of meeting of the general assembly, to be computed according to the nearest mail route.

Third. The compensation and duties of the clerk of the house of delegates, and of the clerk of the senate, and the number, compensation, and duties of the enrolling clerks, committee clerks, sergeant-at-arms, doorkeepers, pages, and other employees of the senate and house of delegates shall continue as now fixed by law until the first of January, nineteen hundred and three, after which date their number, duties, and compensation shall be as prescribed by law.

Fourth. The compensation, mileage, and expenses hereinbefore provided for, including mileage for the officers and employees of the senate and house of delegates, or which may be incurred by the general assembly in accordance with law, shall be paid out of any money in the treasury not otherwise appropriated.

2. Inasmuch as an emergency exists, this act shall take effect from its passage.

CHAP. 2.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 2083 of the Code of 1887, in relation to fishing with pound nets in the waters of the eastern side of Chesapeake bay, approved March 28, 1902.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section two thousand and eighty-three of the Code of eighteen hundred and eighty-seven, as amended by an act approved February seventeen, eighteen hundred and ninety, and further amended by an act approved March twenty-eighth, nineteen hundred and two, in relation to fishing with pound nets on the eastern side of Chesapeake bay, be amended and re-enacted to read as follows:

§ 2083. It shall be unlawful for any person to fish with a purse net or pound net in any of the rivers of this State, or within one mile of the mouth of any river, except that the pound net may be used in the Piankitank river, or to fish with purse nets in creeks, or within half a mile of the shore of Chesapeake bay, within the limits of Elizabeth City, Accomac, and Northampton counties, or to set any pound, or to take fish by means thereof, in any creek within the counties of Accomac and Northampton, or in the Chesapeake bay, between the first day of May and the first day of June in any year on the eastern side of said bay. And all acts and parts of acts inconsistent with this act are hereby repealed.

2. This act shall be in force from its passage, on the ground that it is an emergency bill, for otherwise the fishing season of the year nineteen hundred and two would be ended before this act became operative, and many thousands of dollars would be sacrificed.

CHAP. 3.—An ACT to authorize and empower the council of the town of Luray, Virginia, to appropriate certain money to construct a bridge across the Hawksbill creek, in said town.

Approved July 28, 1902.

Whereas, by an act of the general assembly of Virginia, approved February twenty-fourth, nineteen hundred, the town council of Luray, Virginia, were authorized and empowered by the issue and sale of bonds of said town to borrow a sum of money, not exceeding thirty-five thousand dollars, for the purpose of constructing and establishing a system of water works in and for the use of the said town; and,

Whereas, the said sum of money was realized in the manner provided in said act, and said system of water works has been constructed and completed at a less cost than thirty-five thousand dollars, and there is a balance of said fund in the treasury of the said town, and it is necessary, and it is desired by the citizens of the said town, to construct a new bridge within the corporate limits of said town: therefore,

1. Be it enacted by the general assembly of Virginia, That the town council of the said town of Luray be, and they are hereby, authorized and

empowered to expend said balance of said fund, or so much thereof as may be necessary, in the construction of a new bridge across the Hawksbill creek in the said town.

2. And be it further enacted, That if the said balance of said fund should not be sufficient to construct said bridge, the said council is hereby authorized to increase the tax levy for street and road purposes in said corporation road district to thirty cents on each one hundred dollars of the assessed value of the real and personal property in said town, and to issue certificates of indebtedness, payable out of said fund so raised for street and road purposes, at such times and for such amounts as may be agreed upon and fixed in the contract for the construction of said bridge.

3. By reason of the dilapidated and dangerous condition of the old bridge across the Hawksbill creek, it is necessary that the new bridge for which this bill provides should be built at once, therefore this act shall be in force from its passage.

CHAP. 4.—An ACT to give the consent of the Commonwealth of Virginia to the acquisition of real estate in the city of Fredericksburg for a site for the Mercer monument, and authorizing the city to grant and condemn land therefor.

Approved July 28, 1902.

Whereas, the sum of twenty-five thousand dollars has been appropriated by congress for the erection at Fredericksburg, Virginia, of a monument to the memory of General Hugh Mercer: provided, that the city of Fredericksburg, or the citizens thereof, shall cede and convey to the United States such suitable site as may, in the judgment of the secretary of war, be required for said monument: therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of the State be, and is hereby, given to the acquisition by the United States of so much land in the city of Fredericksburg as may be requisite and convenient for a site for said monument.

2. That this State cedes to the United States exclusive jurisdiction over the said land so acquired and all erections which may be placed thereon during the time the United States shall be the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process thereon.

3. That the parcel of land so acquired, together with all improvements and erections thereon, for the purpose before mentioned shall be held exempt from all State and municipal taxation so long as the United States shall be and remain the owner thereof.

4. That the mayor and commonalty of the city of Fredericksburg are hereby authorized and empowered to grant and convey to the United States free of charge so much land constituting a part of any public square or street of said city as may, in the judgment of said mayor and commonalty and of the secretary of war, be suitable and required for a site for said monument.

5. That the said mayor and commonalty of the city of Fredericksburg are hereby empowered and authorized to acquire, by purchase or condemnation, so much land within the said city as may be, in their judgment, requisite and convenient for a site for said monument and rights of way thereto. And if the said mayor and commonalty cannot agree with those entitled to the land to be acquired for said site and any rights of way thereto upon the terms of purchase, they shall apply to the corporation court of said city, which shall appoint five disinterested freeholders, any three of whom may act, for the purpose of ascertaining a just compensation for said land and any rights of way as aforesaid; the appointment of said commissioners, the notice of the application for their appointment, and the subsequent proceedings shall conform to the provisions of the Code of Virginia in relation to condemnation as nearly as may be.

6. That when such land and rights of way have been acquired, the said mayor and commonalty of said city of Fredericksburg are authorized to convey, or cause the same to be conveyed, to the United States free of charge.

7. By reason of the appropriations being already made for the erection of said monument, an emergency exists for this act to take effect at once, therefore this act shall be in force from its passage.

CHAP. 5.—An ACT to prohibit the sale of cider within one mile of the courthouse of Appomattox county.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, corporation, partnership, or association to sell or offer for sale within one mile of the courthouse of Appomattox county, Virginia, any cider by retail or otherwise, except pure cider manufactured from apples when sold by the producer.

2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars, and be confined in jail not exceeding thirty days.

3. And there being such an emergency as requires the immediate passage of this act in order to properly enforce the local option laws and preserve order at Appomattox courthouse, this act shall be in force from its passage.

CHAP. 6.—An ACT to authorize and empower the town council of the town of Shenandoah, Virginia, to borrow money by the issue of bonds for the construction and establishment of a system of water works in and for the use of said town; to construct and establish such works, and a sewerage system if needed.

Approved July 28, 1902.

Whereas, it is desired that the town of Shenandoah, Virginia, shall construct and establish a system of water works, and, if found to be necessary, a sewerage system, in and for the use of said town; and,

Whereas, the construction and establishment of the said water works will necessitate the borrowing of money and the issuance of bonds; and,

Whereas, the great advantage to be obtained by the construction of said works before the winter season may set in renders it a matter of emergency that this bill be in force from its passage: therefore,

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Shenandoah, Virginia, be, and is hereby, authorized and empowered to borrow money for the said corporation for the purpose of constructing and establishing a system of water works in and for the use of said town, not exceeding the sum of twenty thousand dollars, by the issue and sale of bonds of the said corporation as herein-after provided.

2. Said bonds may be either coupon or registered, in denominations of one hundred dollars, or multiples thereof, to bear a rate of interest not exceeding six per centum per annum, payable semi-annually. The principal of said bonds shall be payable in thirty years from their date, or upon call of said corporation at any time after twenty years from their date. The said bonds shall be signed by the mayor of said town, and shall have affixed to them the seal of said town, attested by the clerk of said town, and shall be negotiated or sold in such manner as may be prescribed by the town council: provided, that they shall not be sold for less than their face value.

3. The council of said town shall annually include in the levy on the property in the said town, subject to taxation, as a part of the annual town levy, a tax sufficient to pay the interest on the bonds issued under this act, and to create a sinking fund for the redemption of said bonds, which levy shall at all times be subject to such reduction as may be by reason of any contribution from general revenues toward the payment of said interest or sinking fund; and it shall be lawful for the said town to at all times use the sinking funds for the payment and retirement of such bonds as the holders thereof may be willing to deliver for cancellation prior to the time of their maturity.

4. The said council of the said town is hereby authorized and empowered to construct, erect, and operate a water works system, and, when deemed necessary, a sewerage system, within or without the corporate limits of the said town, and to do any and all things connected therewith or necessary thereto; and the said town, by its mayor and council, is hereby empowered to contract and agree with the owners and tenants of freeholds through and on whose lands the said works of the said town, or any part thereof, are located, constructed, or pass for the purchase or

use thereof, whether permanent or temporary; and upon failure to so contract or agree with the owner or tenant of such freehold, to proceed to condemn same, as prescribed by the charter of said town, if said lands or freeholds are within the corporate limits of said town, and by proceedings in the county court of Page county, under chapter forty-six of the Code, and acts amendatory thereof, if outside of the said corporate limits.

5. The council of said town are hereby authorized to enact such by-laws and ordinances, and prescribe such penalties, not in conflict with the constitution and laws of this State and the United States, for the protection of the said pipes, works, and fixtures of the said systems against willful or wanton injury as may be necessary, whether such offenses against same be within or without the said corporate limits, for which purpose the jurisdiction of the mayor and other corporate authorities of the said town is hereby extended for one hundred yards on either side, and beyond any and all the various lines and branches of its entire said works.

6. The foregoing provisions of this act shall not be operative until the question of the issue of the said bonds shall have been submitted to an election of such freeholders as were qualified to vote in said town under the constitution and laws of Virginia as they existed on the ninth day of July, nineteen hundred and two, and such as would become qualified to vote in said town before the day of said election; and it shall appear from the return of the votes cast at the said election, as hereinafter provided for, that a majority of the said votes so cast were in favor of the issue of the bonds provided for in this act: provided, that any voter whose wife is seized of a freehold, whether in fee or in trust for her, shall be deemed a freeholder under this act.

7. The said election shall be called by a written order over the signature of the mayor of the said town, true copies of which shall be posted at not less than five conspicuous places in said town not less than twenty days before the day named in said call by the sergeant of the said town as a means of advertisement of the time and place of said election; and the return of said sergeant on the back of the original order as to the posting of the same shall be conclusive evidence of such posting; and the said original shall be filed with the clerk of said town.

8. The election shall be by ballot, and shall be held by five freeholders of the town designated and appointed by the mayor of said town, three of whom shall act as judges, and two of whom shall act as clerks, and they shall be sworn by the mayor of said town to perform their several duties fairly and impartially before entering upon the respective duties of judges and clerks of said election.

9. The judges and clerks of said election shall make a correct count and return of said election, sealing the ballots after counted and returning them to the clerk of said council to be filed away with the records of the town by him, to whom said judges and clerks shall also certify the result of said election over their signature, and such certificate shall be absolute and conclusive evidence of the verity of such return after five days from the date of said election and return.

10. All acts or parts of acts in conflict herewith are hereby repealed.
 11. This act shall be in force from its passage.
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CHAP. 7.—An ACT to amend and re-enact sections 2 and 4 of an act entitled “an act to appoint a board of trustees for the Virginia Female Institute at Staunton, and to provide for the future government of said institute,” approved March 14, 1874, as amended by an act approved January 18, 1896.

Approved July 28, 1902.

Whereas, under the existing law serious difficulty is experienced by said trustees in obtaining the attendance of the requisite quorums for transaction of business at their meetings, to obviate which application is made on behalf of said institute: therefore,

1. Be it enacted by the general assembly of Virginia, That sections two and four of an act entitled an act to appoint a board of trustees for the Virginia Female Institute at Staunton, and to provide for the future government of said institute, approved March fourteenth, eighteen hundred and seventy-four, as amended by an act approved January eighteenth, eighteen hundred and ninety-six, be further amended and re-enacted so as to read as follows:

§ 2. There shall be at least one regular meeting of said board of trustees in each year at the Virginia Female Institute, in the city of Staunton, or at such other place and at such time as fixed by said board. Any five members, irrespective of the parts of the board to which they may belong, may call a special meeting of the board, to be held at said institute, in Staunton, and at such time as may be designated by a written or printed notice duly mailed to the regular postoffice addresses of the other members, or by publication in at least two newspapers of general circulation, one of which shall be published in the diocese of Virginia and the other in the diocese of Southern Virginia; the notice, if sent by mail, to be forwarded at least two weeks before the meeting, and if by publication in the newspapers, the first insertion in each paper to be at least two weeks before the meeting, and the publication to be continued until the meeting. Six members shall constitute a quorum for the transaction of any business. The board of directors which the board of trustees are, by the first section of this act, authorized to appoint shall consist of as many members as the board of trustees, in a regular annual meeting assembled, shall determine, who may be, in whole or in part, persons other than members of the board of trustees, and they may all reside in one diocese, or be selected from the dioceses of Virginia and Southern Virginia in equal or unequal numbers as between the two. The board of trustees shall have power to enact by-laws for its own government, and also for the government of the board of directors: provided, that they are not in conflict with the Constitution or laws of this State or of the United States.

§ 4. Each part of said board of trustees shall have power to fill any vacancies which may occur in the membership of such part arising from

death, resignation, inability, or refusal to act, or removal from the diocese represented by such part. Any such vacancy shall be filled by that part of the board in which it occurs alone without assistance from, or interference by, the other part of the board; but the selection of a person to fill the vacancy shall be made from two or more persons recommended to fill such vacancies as may then exist, or, by anticipation, such as may thereafter occur, by the council of the diocese to which the part of the board of trustees in which the vacancies may occur shall belong; and in this way each part of the board may keep its membership full without interference from the other. And any number of the trustees, or of the directors, present at a meeting of their respective boards regularly convened, though less than a majority or quorum of their respective bodies, may adjourn the same over from time to time, or from place to place.

2. This act shall be in force from its passage.

CHAP. 8.—An ACT to amend and re-enact section 3139 of the Code, 1887, in reference to who liable to serve as jurors.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section three thousand one hundred and thirty-nine of the Code of Virginia, eighteen hundred and eighty-seven, in reference to who liable to serve as jurors, be amended and re-enacted so as to read as follows:

§ 3139. Who qualified to serve as jurors.—All male citizens twenty-one years of age and not over sixty, who shall have been residents of this State twelve months and of the county, city, or town in which they reside three months next preceding their being summoned to serve as such, and competent in other respects except as hereinafter provided, shall remain and be liable to serve as jurors: provided, that no officer, soldier, seaman, or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed herein, nor shall an inmate of any charitable institution be qualified to serve as jurors: provided, also, that the following persons shall be excluded from serving as jurors: First, idiots and lunatics; second, persons convicted of bribery, perjury, embezzlement of public funds, treason, felony, or petit larceny.

2. This is an emergency act under section fifty of the Constitution.

3. This act shall be in force from its passage.

CHAP. 9.—An ACT to authorize the board of supervisors of Fairfax county to lease to the National Bank of Fairfax the old clerk's office building on the public square in the town of Fairfax.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Fairfax county be, and they are hereby, authorized to

lease to the National Bank of Fairfax for a period, not exceeding two years from this date, the old clerk's office building on the public square, in the town of Fairfax (Fairfax Courthouse), upon such conditions and restrictions as said board may deem proper.

2. This act shall be in force from its passage, this being a case of emergency.

CHAP. 10.—An ACT to carry into effect an ordinance of the Constitutional Convention of Virginia, which assembled at Richmond on the 12th of June, 1901, entitled "an ordinance to provide for the registration of voters under this Constitution and prior to 1904," so far as legislative action may be necessary, and to make it applicable to towns.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That the provisions of an ordinance adopted by the Constitutional Convention, which assembled in Richmond on the twelfth of June, nineteen hundred and one, entitled "an ordinance to provide for the registration of voters under the Constitution and prior to the year nineteen hundred and four," shall apply to the towns of the Commonwealth just as it does to the cities and counties thereof.

2. The board of registration appointed by the said Constitutional Convention shall record in suitable books provided for in said ordinance, in alphabetical order, the names of all persons registered, the date of birth and registration, their occupation and residence, keeping separate books in duplicate for white and colored voters for each precinct. And after the completion of said registration, the board shall retain one set of such books, and shall make a roll containing the names of all persons thus registered, to be made, sworn to, and certified by such board. The said roll shall be forwarded by the chairman of the board to the clerk of the circuit court of the county, to be filed for record and preservation in said office as required by section nineteen of the Constitution of Virginia, and one set of said books shall be forwarded by the chairman of the board to the clerk of the county court of the county or the clerk of the corporation court of the city, as the case may be, to be copied in a proper book and preserved in his office as required by section four of an ordinance of the Constitutional Convention aforesaid, entitled "an ordinance to provide for the registration of voters under this Constitution and prior to the year nineteen hundred and four." For making the said duplicate and roll, the board and clerks shall be allowed one cent for every thirty words, counting initials as words.

3. On or before the first day of September, nineteen hundred and two, the treasurer of each county and city shall furnish to the board of registrars of each town, magisterial district, or ward of his county or city, a certified list, made out in alphabetical order, containing the names of all white and colored males over the age of twenty-one years, the white and colored to be on separate lists within such district or ward, and in cities where property is not assessed for State taxes in wards or districts, a list

of all such persons in said city who for the year nineteen hundred and one have paid as much as one dollar in State tax for property owned by and assessed against them; and on or before the first day of September, nineteen hundred and three, the said treasurer shall furnish to the said boards a similar list of those who for the year nineteen hundred and two have paid as much as one dollar in State tax for property owned by and assessed against them. For making said lists the treasurer shall be entitled to one cent for every thirty words, counting initials as words.

4. Until January first, nineteen hundred and four, the board shall have the custody and keeping of one set or duplicate of the registration books; but a reasonable time before the elections to be held in nineteen hundred and two and nineteen hundred and three, not later than sunrise on election day, the books for each precinct shall be delivered by the chairman of the board of registration, or some member of the said board selected for the purpose, to the judges, or one of them, at said precinct appointed to conduct said election; and said judges of election shall appoint one of their number, who shall, within a reasonable time after said election, return the books to said board.

5. Any violation of this act by the chairman of the registration board, or any member thereof, by the clerk of the court, the treasurer, or any of the judges of election, for which no punishment has been otherwise provided, shall be deemed as a misdemeanor, and punished by fine not exceeding one hundred dollars and imprisonment in the county jail not exceeding one month, either or both.

6. The costs of carrying this act into effect, except the books and forms to be prepared by the secretary of the Commonwealth, and provided at the expense of the State, shall be defrayed by the counties and cities in which such registration is held.

7. This act shall be in force from its passage.

CHAP. 11.—An ACT to amend and re-enact sections 125 and 129 of the Code of Virginia, 1887, in relation to receiving and canvassing ballots and names of voters entered on poll-books.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and twenty-five and one hundred and twenty-nine of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 125. Where ballot-box kept; how ballots received, and names of voters entered on poll-books.—The ballot-box shall be kept in public view during all elections. The judge to whom any ballot is delivered shall, upon the receipt thereof, pronounce in an audible voice the name of the person from whom the ballot is received, and if his name is found on the registration book, and there be no objection made, the said judge shall, without opening the said ballot or permitting it to be examined (except to ascertain whether it is a single ballot), deposit the same in the ballot-

box, whereupon the name of the elector shall be checked on the registration book by one of the judges, and entered by the clerks of election on the poll book, and correctly numbered: provided, that when a registered voter has changed his place of residence from one election district to another in the same county, if he has a certificate showing that he was duly registered in his former election district in said county, and that his name has, since his removal, been erased from the registration books of said election district, it shall be sufficient evidence to entitle him to vote in the district in which he resides, and his name shall be registered on the registration book by the registrar if he be present, or by one of the judges of election if he be not present: provided, further, that no person who removes from one city or county to another city or county in this State shall be allowed to vote at any election therein without having first registered upon his transfer at the time and in the modes prescribed in sections seventy-eight and eighty of the Code of eighteen hundred and eighty-seven; and provided, further, that in cities or towns containing over two thousand inhabitants the name of such person shall not be entered by the judge, but only by the registrar, prior to or on the days named in section seventy-eight of the Code.

§ 129. How votes canvassed.—The canvass shall commence by taking out of the box the ballots unopened—not in secret, but in the presence of at least two representatives from each political party represented in the election, if such representatives request the judges of election to be present when the ballots are taken from the box, and said representative shall be entitled to be present and witness the count of the ballots and the making up of the returns as hereinafter provided in this section and section one hundred and thirty of the Code; and the judges of election shall at once proceed to examine and count the ballots to ascertain if any double ballots have been cast, and whether the number of ballots corresponds with the number of names on the poll-books; and if two or more separate ballots are found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed. If, upon a comparison of the said count the number of names of electors on the poll-books, it appears that the two or more ballots thus folded together were cast by the same elector, they shall be destroyed. If the ballots in the box are found to exceed the number of names on the poll-books, all ballots shall be replaced in the ballot-box; and after the same shall be well shaken, one of the judges of election, being blindfolded, shall draw therefrom a sufficient number of ballots to reduce the same to a number equal to the number of names of electors on the poll-books. The number of ballots being thus made to agree with the number of names on the poll-books, the books shall be signed by the judges and attested by the clerks; and the number of names thereon shall be set down in words and figures at the foot of the list of electors on the poll-books and over the signatures of the judges and attestations of the clerks in the manner and form prescribed by section one hundred and twenty. Whenever the number of ballots is reduced by destruction of fraudulent ballots below the number of the names of electors on the poll-books, the cause of such reduction shall be stated at the foot of the list

of electors on the poll-books before the same are signed and attested by the judges and clerks respectively.

2. This act shall be in force from its passage.

CHAP. 12.—An ACT to amend and re-enact section 17 of an act of the general assembly of Virginia, entitled "an act to provide a method of voting by ballot," approved March 6, 1894, as amended and re-enacted by an act approved March 4, 1896, as amended and re-enacted by an act approved March 6, 1900.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That the seventeenth section of an act of the general assembly approved March fourth, eighteen hundred and ninety-six, entitled "an act to amend and re-enact an act entitled an act to provide a method of voting by ballot, approved March sixth, eighteen hundred and ninety-four," be amended and re-enacted so as to read as follows:

§ 17. Any person registered prior to the first day of January, nineteen hundred and four, shall be assisted in the preparation of his ballot by one of the judges of election designated by himself. And the judges, or a majority of them, shall designate one of their number, whose duty it shall be, at the request of any elector registered after the first day of January, nineteen hundred and four, who may be physically unable to prepare his ballot to enter the booth with said elector and render him assistance in preparing his ballot by reading the names of the offices to be voted for on the ballot, and pointing out which name or names the said elector may wish to strike out, or otherwise aid him in preparing his ballot. In case said elector be blind, said judge of election so appointed and designated shall prepare said ballot for said elector in accordance with his instructions, but the said judge shall not enter the booth with the voter unless requested by him, and shall not in any manner divulge or indicate, by signs or otherwise, the name or names of the person or persons for whom any elector shall vote. The said judges, or a majority of them, shall have power, from time to time, when and as often as they may see proper, to change the appointment and designation of the judge who shall discharge the duties prescribed by this act, and designate another judge in his place and stead to perform the same; and for a corrupt notation of any of the provisions of this section, the person so notating shall be deemed guilty of a misdemeanor and be confined in jail not less than one nor more than twelve months.

2. This act shall be in force from its passage.

CHAP. 13.—An ACT to amend and re-enact section 85 of the Code of Virginia, 1887, making registrars conservators of the peace.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section eighty-five of the Code of Virginia, eighteen hundred and eighty-seven, constituting registrars, be amended and re-enacted so as to read as follows:

§ 85. Every board of registration provided for by the Constitution of the years nineteen hundred and two and nineteen hundred and three, or a majority thereof, shall preserve order at and in the vicinity of the place of registration; and to enable it so to do, it shall be clothed with all the powers of a conservator of the peace while engaged in the discharge of its duties, and may appoint special constable or constables, not exceeding three in number in each magisterial district or ward, and summon the bystanders or other persons in the vicinity to assist it whenever, in its judgment, it shall be necessary to preserve order.

2. This act shall be in force from its passage.

CHAP. 14.—An ACT to amend and re-enact section 67 of an act of the general assembly of Virginia, approved March 5, 1900, entitled "an act to amend and re-enact sections 67 and 71 of the Code of 1887, in relation to the appointment of registrars and the registration of voters."

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section sixty-seven of an act of the general assembly approved March fifth, nineteen hundred, entitled "an act to amend and re-enact sections sixty-seven and seventy-one of the Code of eighteen hundred and eighty-seven, in relation to the appointment of registrars and the registration of voters," be amended and re-enacted so as to read as follows:

§ 67. Appointment of registrars.—If any person appointed registrar by ordinance of the Constitutional Convention, which assembled in Richmond on the twelfth of June, nineteen hundred and one, shall fail or refuse to qualify before the first day of August, nineteen hundred and two, or shall fail to serve, or if a vacancy occur in said board from any cause, the judge of the county court of the county, or of the corporation court of the city, shall, by appointment, supply the place, or fill such vacancy, if it occur prior to nineteen hundred and four, and such appointees shall qualify in the manner set out in the ordinance of the convention. After nineteen hundred and four the appointment of registrars and filling of vacancies shall be by the electoral boards of the counties and cities as set out in article thirty-one of the Constitution, and the registrars shall qualify according to law.

2. In Richmond city it shall be lawful for each registrar to appoint a clerk and administer to him the same oaths as those taken by the registrar.

3. This act shall be in force from its passage.

CHAP. 15.—An ACT to prevent disturbance of registrars in the discharge of their duties, and to define the punishment therefor.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That any person or persons who shall, by threats, intimidation, abuse, force, or other unlawful means, hinder, delay, or disturb, or attempt to so hinder, delay, or disturb, any registrar or registrars in the discharge of their duties at the time or place set apart and designated for registration according to law shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail not exceeding twelve months or fined in a sum not exceeding five hundred dollars, or both.

2. Inasmuch as this act comes under the emergency clause of the Constitution, it shall be in force from its passage.

CHAP. 16.—An ACT to repeal an act approved April 2, 1902, entitled an act to authorize the Board of Fisheries to declare certain land within the limits of the Baylor survey, on the eastern or ocean side of Accomac county, to be barren area and open for planting oysters thereon, and to authorize the assignment of the same for planting purposes.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That an act approved April second, nineteen hundred and two, entitled "an act to authorize the Board of Fisheries to declare certain land within the limits of the Baylor survey, on the eastern or ocean side of Accomac county, to be barren area and open for planting oysters thereon, and to authorize the assignment of the same for planting purposes," be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 17.—An ACT to repeal an act approved April 2, 1902, entitled an act to authorize the Board of Fisheries to readjust the Baylor survey, on the ocean side of the counties of Accomac and Northampton, and include therein any omitted natural rocks.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That an act approved April second, nineteen hundred and two, entitled "an act to authorize the Board of Fisheries to readjust the Baylor survey, on the ocean side of the counties of Accomac and Northampton, and include therein any omitted natural rocks," be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 18.—An ACT to pay to certain guards at the penitentiary certain sums of money due them and never paid.

Approved July 28, 1902.

Whereas, certain guards of the penitentiary are due certain salaries from October first, nineteen hundred and one, to March thirty-first, nineteen hundred and two, and have not been paid, notwithstanding a sum sufficient is appropriated to do so; and,

Whereas, an enabling act is necessary that the auditor of public accounts may pay said guards the salaries due them: therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of thirty dollars be paid W. M. Brooks; that the sum of twenty-five dollars be paid B. W. L. Blanton; that the sum of thirty dollars be paid W. D. Buck; that the sum of thirty dollars be paid W. L. Bradley; that the sum of twenty dollars be paid R. R. Bell; that the sum of twenty dollars be paid W. W. Baker; that the sum of twenty-five dollars be paid J. W. Bidgood; that the sum of fifteen dollars be paid J. E. Crist; that the sum of one dollar and thirty-three cents be paid George Chiddix; that the sum of twenty-five dollars be paid J. W. Chiddix; that the sum of thirty dollars be paid A. L. Cornwall; that the sum of thirty dollars be paid J. I. Carper; that the sum of thirty dollars be paid E. W. Drew; that the sum of thirty dollars be paid J. H. Dickerson; that the sum of thirty dollars be paid W. N. Dawson; that the sum of thirty dollars be paid J. I. Dovel; that the sum of ten dollars be paid E. L. Deatherage; that the sum of ten dollars be paid C. A. Farrar; that the sum of thirty dollars be paid T. L. Griggs; that the sum of thirty dollars be paid R. L. Glinn; that the sum of thirty dollars be paid G. W. Graves; that the sum of ten dollars be paid W. S. Gill; that the sum of thirty dollars be paid G. P. Henning; that the sum of thirty dollars be paid W. H. Hundley; that the sum of thirty dollars be paid E. S. Haynes; that the sum of twenty-five dollars be paid J. W. Henson; that the sum of thirty dollars be paid Z. P. Hanger; that the sum of twenty-five dollars be paid S. L. Hayne; that the sum of ten dollars be paid W. W. Hall; that the sum of thirty dollars be paid P. C. Jones; that the sum of thirty dollars be paid H. F. Jobe; that the sum of twenty-five dollars be paid T. E. Kizer; that the sum of thirty dollars be paid William Lambert; that the sum of thirty dollars be paid R. L. Lynn; that the sum of thirty dollars be paid J. R. Moss; that the sum of thirty dollars be paid E. R. Mason; that the sum of thirty dollars be paid S. C. Oliver; that the sum of twenty dollars be paid J. T. Owens; that the sum of thirty dollars be paid B. C. Peters; that the sum of five dollars be paid W. B. Pattie; that the sum of thirty dollars be paid Edward Palmer; that the sum of thirty dollars be paid R. R. Penn; that the sum of thirty dollars be paid I. T. Pullen; that the sum of thirty dollars be paid L. T. Page; that the sum of twenty-five dollars be paid G. W. Pierson; that the sum of twenty-five dollars be paid W. M. Pattie; that the sum of thirty dollars be paid S. T. Smith; that the sum of thirty dollars be paid W. M. Sharp; that the sum of ten dollars be paid D. G. Staples; that the sum of twenty-five dol-

lars be paid A. P. Wimbish; that the sum of thirty dollars be paid S. C. Woodroof; that the sum of thirty dollars be paid J. W. White; that the sum of thirty dollars be paid J. T. L. Woodson; that the sum of thirty dollars be paid C. W. Williams; that the sum of thirty dollars be paid G. H. Whitehead; that the sum of thirty dollars be paid B. Woodson; that the sum of five dollars be paid H. T. West, and that the sum of one dollar be paid R. R. Willis.

2. This act shall be in force from its passage.

CHAP. 19.—An ACT to amend and re-enact section 2847 of the Code of Virginia of 1887, as amended and re-enacted by an act approved February 5, 1892.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and forty-seven of the Code of Virginia of eighteen hundred and eighty-seven, as amended and re-enacted by an act of the general assembly approved February the fifth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2847. When, if day following that on which it becomes due be a Sunday, Saturday, or public holiday.—If the day following that on which any such bill shall become due shall happen to be a Sunday or a Saturday, or any day now or hereafter designated or established by law as a public holiday in this State, it shall not be necessary to present it or forward it for presentment for payment to such acceptor for honor or referee until the next succeeding secular or business day. But this act shall be applicable only to bills made on or after the day on which this act shall take effect.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect on the first day of August, nineteen hundred and two.

CHAP. 20.—An ACT to amend and re-enact section 2844 of the Code of Virginia, in relation to public holidays, and as to when bills, notes, etc., otherwise presentable on any such holidays are to be presentable, as amended and re-enacted by acts of the general assembly approved February 28, 1890, February 5, 1892, February 19, 1896, and April 2, 1902, and to establish the entire day of every Saturday as a public holiday and a non-secular and non-business day as regards negotiable instruments, and to relieve all persons of the duty of presenting, protesting, collecting, or giving notice of the non-acceptance, non-payment, or dishonor of any instrument whatever made after this act shall take effect on any public holiday, Saturday or Sunday, but permitting all such notices to be given on said days.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and forty-four of the Code of Virginia, as amended and re-enacted by the acts of the general assembly approved February

twenty-eighth, eighteen hundred and ninety, February fifth, eighteen hundred and ninety-two, February nineteenth, eighteen hundred and ninety-six, and April second, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 2844. Public holidays; when bills, notes, etc., otherwise presentable on any such holiday or on Saturday to be presentable.—All days now or hereafter designated or established by law as public holidays in this State, and the entire day of every Saturday, shall, for all purposes whatsoever as regards the maturity, the presenting for acceptance or payment, and of protesting and giving notice of the dishonor of any bill of exchange, draft, check, negotiable note, or other negotiable instrument, made on or after the day on which this act shall take effect, constitute and shall be considered and treated as public holidays, and as non-secular and non-business days, and shall be so considered and construed within the meaning of the act of the general assembly approved on the third day of March, eighteen hundred and ninety-eight, known as the negotiable instrument law; and every such bill of exchange, draft, check, negotiable note, or other negotiable instrument, which would otherwise be presentable for acceptance or payment on any of the said holidays or Saturdays, or on a Sunday, shall be deemed to be presentable for acceptance or payment on the next succeeding secular or business day. And no person, firm, corporation, association, or company shall be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for acceptance or payment, or in not collecting, or in not protesting, or in not giving notice of the non-acceptance, non-payment, or dishonor of any instrument, whether negotiable or non-negotiable, made on or after the day on which this act shall take effect on any of the said public holidays, or on any Saturday or Sunday: provided, however, that notice of the non-acceptance, non-payment, dishonor, or protest of any such instrument as is hereinbefore specified may be given on any such holiday, Saturday, or Sunday with the same effect as if it were a secular or business day.

2. Nothing contained in this act shall affect the liabilities or duties of any person in respect to any bill of exchange, draft, check, negotiable note, or other negotiable instrument made, endorsed, or accepted before the day on which this act shall take effect; but the duties and liabilities of any person in relation to all such instruments shall be the same as if this act had not been passed.

3. All acts and parts of acts inconsistent herewith are hereby repealed.

4. This act shall take effect on the first day of August, nineteen hundred and two.

CHAP. 21.—An ACT to validate all acts done under chapter 453 of the acts of the general assembly of Virginia of 1901-1902, approved April 2, 1902, providing pensions for soldiers, sailors, and marines of Virginia who were wounded or disabled in the war between the States, and for widows of soldiers, sailors, and marines of Virginia who lost their lives in said service, or by reason of wounds received or disease contracted therein.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That the provisions of chapter four hundred and fifty-three of the acts of the general assembly of Virginia, session of nineteen hundred and one and nineteen hundred and two, approved April two, nineteen hundred and two, shall be operative from and after April two, nineteen hundred and two, as though it had been provided upon the face of said act that it shall take effect from its passage; and all acts heretofore done in accordance with the provisions of said act of April two, nineteen hundred and two, by any court, board, or officer as authorized by the requirements thereof are hereby made and declared to be legal and valid just as though said act by its express terms took effect from its passage.

2. This being an emergency act, shall take effect from its passage.

CHAP. 22.—An ACT to provide a rule of evidence in prosecutions under sections 3744 and 3745 of the Code, in cases of bribery.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That no person prosecuted for giving, or offering to give, or accepting a bribe under section thirty-seven hundred and forty-four and thirty-seven hundred and forty-five of the Code shall be competent to testify against a witness for the prosecution in such prosecution touching the giving, or offering to give, or the accepting of any bribe committed by him prior to the commencement of such prosecution; nor shall any witness called by the court or Commonwealth's attorney and giving evidence for the prosecution, either before the grand jury or the court in such prosecution, be ever proceeded against for any offense of giving, or offering to give, or accepting a bribe committed by him at the time and place indicated in such prosecution; but such witness shall be compelled to testify, and for refusing to answer questions may, by the court, be fined a sum not exceeding five hundred dollars, and be imprisoned for a term not exceeding six months.

2. This act shall be in force from its passage.

CHAP. 23.—An ACT to provide for the appointment of registrars for the several towns in the Commonwealth.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That there shall be a registrar appointed for each town in this Commonwealth by the

electoral board of the county in which such town is located prior to August thirty-first, nineteen hundred and two, whose duty it shall be, on or before November fifteenth, nineteen hundred and two, to register all qualified voters resident of such town who offer to register; but no voter shall be entitled to register or vote in any town unless he shall have previously registered as a voter in the county in which such town is located. Under the provisions of the Constitution of Virginia in force on and after July tenth, nineteen hundred and two, such registrar shall be governed as to his qualification and powers, and in the performance of his duties by the general laws of this Commonwealth so far as the same may be applicable.

2. This act shall be in force from its passage.

CHAP. 24.—An ACT to amend and re-enact section 4079 of the Code of Virginia, in reference to medical attendance, medicines, and clothing for indigent prisoners in jail, and analyses in poison cases.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section forty hundred and seventy-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 4079. Medical attendance, medicines, and clothing for prisoners in jail, and allowance to analytical chemist.—A court may appoint a physician to attend prisoners in its jail, and make him a reasonable allowance, not exceeding seventy-five cents per day for each day he attends a patient. When he attends more than one patient a day, there may be allowed fifty cents per day for each additional patient. A court may, when a person in its jail charged with or convicted of an offense is unable to provide himself with necessary medicines, or with sufficient clothing, allow for such medicines; and may direct the jailer to provide him clothing, and allow therefor not exceeding ten dollars in one year. It may also make an allowance, not to exceed twenty-five dollars, as compensation to any physician or analytical chemist for making an analysis to discover poison in any criminal case. Allowances under this section shall be paid out of the treasury, except that no allowance shall be made or paid for medicines furnished such prisoner, unless the account therefor is certified by the physician for the jail to be correct, and where clothing is obtained for prisoners worked in the chain-gang of any county, city, or town, such clothing shall be paid for out of the treasury of such county, city, or town.

2. Accounts for medicines which have been furnished such prisoners since January first, nineteen hundred and one, shall be paid out of the treasury, if proved and allowed in the manner above prescribed.

3. This act shall be in force from its passage.

CHAP. 25.—An ACT to amend and re-enact section 3976 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact sections 3976, 3974, and 3984 of the Code of Virginia, in relation to grand jurors, approved February 25, 1890.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and seventy-six of the Code of Virginia, as amended and re-enacted by an act approved February twenty-fifth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3976. When and how grand jurors to be selected by judges of county and corporation courts; lists to be delivered to clerk; when and how jurors summoned.—The judge of the said courts shall annually, in the month of August, select from the male citizens of their respective counties and cities forty-eight persons between the ages of twenty-one and sixty, of honesty, intelligence, and good demeanor, and suitable in all respects to serve as grand jurors, who shall be the grand jurors for the county or city for twelve months next thereafter. Such jurors shall be selected from the several magisterial districts of the counties and wards of the cities in proportion to the population thereof, and the judge making the selection shall at once furnish a list of those selected to the clerk of his court. The clerk, not more than twenty days before the commencement of each term of his court at which a regular grand jury is required, shall issue a venire facias to the sheriff of his county or sergeant of his city, commanding him to summon twelve of the persons selected as aforesaid, to be named in the writ, to appear on the first day of the court to serve as grand jurors. No such person shall be required to appear more than once until all the others have been summoned once, nor more than twice until the others have been twice summoned, and so on. The clerk, in issuing the venire facias, shall apportion the grand jurors, as nearly as may be, ratably among the magisterial districts or wards: provided, that the county court of James City county, or the judge thereof in vacation, shall select the grand jurors for such court from said county and the city of Williamsburg in proportion from each as he may think proper.

2. This act shall be in force from its passage.

CHAP. 26.—An ACT to repeal section 83 of the Code of Virginia, in relation to appeals from registrar; how case made up and heard.

Approved July 28, 1902.

Whereas, the Constitution of Virginia promulgated by the Constitutional Convention, which assembled at Richmond on the twelfth day of June, nineteen hundred and one, prescribes in section seven of an ordinance to provide for the registration of voters under this Constitution, and prior to the year nineteen hundred and four, a method of appeal from the decision of the board of registrars.

1. Be it enacted by the general assembly of Virginia, That section eighty-three of the Code of Virginia in relation to appeals from registrars; how case made up and heard, be, and the same is hereby, repealed.
2. This act shall be in force from its passage.

CHAP. 27.—An ACT to authorize and empower the council of Blackstone, Nottoway county, Virginia, to appoint an assessor and have the real estate within the limits of said town assessed as a basis of taxation for State, county, and town purposes for the year 1903, and thereafter until the next regular assessment: provided, the aggregate amount of the said assessment shall not be less than the aggregate amount of the last assessment.

Approved July 28, 1902.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Blackstone, Nottoway county, Virginia, be, and it is hereby, authorized and empowered to appoint a suitable person assessor, whose duty it shall be at once to assess all of the real estate within the corporate limits of the town of Blackstone, Nottoway county, Virginia, at its fair cash value, as required by the law of Virginia. And said assessor is required to make an original and three copies of his book, which shall contain the names of the owners of the land, a short description thereof; the value of the land without improvements; the value of the improvements, if any; and the total value of the land, including improvements. And shall certify and make oath to the said book when completed, and shall return to the mayor of Blackstone one—the original; to the clerk of the county court of Nottoway county one copy, to the auditor of public accounts one copy, and to the commissioner of the revenue for the district of Nottoway county, including Blackstone, one copy, which shall be completed and returned not later than September the fifteenth, nineteen hundred and two.

2. The said assessment shall furnish the basis of taxation for State, county, and town purposes for the year nineteen hundred and three, and thereafter until the next regular assessment of land in said county: provided, the aggregate value of the lands in the corporate limits of said town thereunder shall not be less than the aggregate value under the last regular assessment made during the year nineteen hundred.

3. The commissioner of the revenue for the district in the county of Nottoway, which includes the town of Blackstone, shall make the assessment provided for by this act the basis of taxation for nineteen hundred and three for State, county, and town purposes, and thereafter until the next regular assessment of land in said town: provided, the aggregate amount thereof shall exceed the aggregate amount of the present assessment. But if the assessed value of the land in said town under the assessment provided for by this act shall be less than its present assessed value, the said assessment shall be of no effect, and shall be disregarded by said commissioner.

4. The assessor appointed under this act shall execute a bond in the penalty of five hundred dollars, conditioned for the faithful performance

of his duties, with security to be approved by the council of Blackstone, and shall take and subscribe before the mayor of said town the oaths required by State officers under the Constitution and laws of Virginia.

5. The council of Blackstone is authorized to pay said assessor out of the treasury of said town reasonable compensation for his services.

6. This is an emergency act under the Constitution of Virginia, and shall be in force from its passage.

CHAP. 28.—An ACT to designate and establish certain days as public holidays, and to establish and declare Saturday after 12 o'clock noon a half-holiday as regards the transaction of business generally, with exceptions specified in this act.

Approved July 29, 1902.

1. Be it enacted by the general assembly of Virginia, That the first day of January, the nineteenth day of January (known as Lee's birthday), the twenty-second day of February, the thirtieth day of May (Confederate memorial day), the fourth day of July, the first Monday in September (known as Labor Day), the twenty-fifth day of December, and any day appointed or recommended by the governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer, or other religious observance, are hereby designated and established, and shall be considered, as public holidays, and every Saturday after twelve o'clock noon is hereby designated and established, and shall be considered, a half-holiday as to the transaction of all business. Whenever the first day of January, the nineteenth day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the twenty-fifth day of December shall fall on a Sunday, the Monday next following shall be a public holiday, with the same effect as if the days above named, respectively, had fallen on the said Monday: provided, however, that no contract made, instrument executed, or act done on any of said public holidays, or on any Saturday, whether before or after twelve o'clock noon, shall be thereby rendered invalid, and that nothing in this act contained shall be construed to prevent or invalidate the entry, issuance, service, or execution of any writ, summons, confession, judgment, order, or decree, or other legal process whatever, or the session or the proceedings of any court or judge on any of the said public holidays or Saturdays either before or after twelve o'clock noon; nor to prevent any bank, banker, banking corporation, firm, or association from keeping their doors open and transacting any lawful business on any of the said public holidays or Saturdays.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect on the first day of August, nineteen hundred and two.

CHAP. 29.—An ACT to provide for the payment of pensioners under pension act of March 7, 1900, whose claims were not approved under provisions of act of April 2, 1902, and filed in the office of the auditor of public accounts prior to September 1, 1902.

Approved November 20, 1902.

Whereas, a large number of persons who were on the pension rolls under the terms of the pension act of March seventh, nineteen hundred, were unable to have their original applications examined by the pension boards and judges of circuit, hustings, or corporation courts in time to have their claims filed in the office of the auditor of public accounts prior to the first day of September, nineteen hundred and two, and consequently could not be paid their pensions for the year nineteen hundred and two; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he hereby is, directed to draw his warrant upon the treasury in favor of each of said pensioners whose claims shall have been approved and filed in his office prior to the first day of January, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 30.—An ACT to provide for the payment of pensioners under the pension act of April 2, 1902, whose claims were not approved and filed in the office of the auditor of public accounts prior to September 1, 1902.

Approved November 20, 1902.

Whereas, a large number of persons who have applied for pensions under the pension act approved April second, nineteen hundred and two, were unable to have their applications examined by the pension boards and approved by the courts in time to have their claims filed in the office of the auditor of public accounts prior to the first day of September, nineteen hundred and two, and consequently could not be paid their pensions for the year nineteen hundred and two; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he hereby is, directed to draw his warrant upon the treasury in favor of each of said pensioners whose claims shall have been approved and filed in his office prior to the first day of January, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 31.—An ACT for relief of the Firemen's Insurance Company of Baltimore.

Approved December 8, 1902.

Whereas, the Firemen's Insurance Company of Baltimore, some years ago, pursuant to section twelve hundred and seventy-one, deposited with the treasurer of the State of Virginia bonds of the value of forty-five thousand dollars, that being five per centum of its then capital; and

whereas, the present capital of the company is only five hundred thousand dollars, five per centum of which required to be deposited pursuant to section twelve hundred and seventy-one of the Code of Virginia is only twenty-five thousand dollars; and whereas, the difference of said bonds should be surrendered to the Firemen's Insurance Company of Baltimore; therefore,

Be it enacted by the general assembly of Virginia, That the treasurer of the State of Virginia do surrender to the Firemen's Insurance Company of Baltimore the excess of bonds belonging to said insurance company over and above the five per centum on its capital authorized to be deposited by insurance companies doing business in this State.

2. This act shall be in force from its passage.

CHAP. 32.—An ACT to pay certain officers of the Virginia penitentiary certain salaries due them and not paid.

Approved December 8, 1902.

Whereas, certain officers of the Virginia penitentiary hereinafter mentioned are due certain salaries for services performed from October first, nineteen hundred and one, to April first, nineteen hundred and two; and,

Whereas, these officers have not been paid; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of one hundred and forty dollars be paid Charles V. Carrington, the surgeon of the penitentiary; that the sum of ten dollars be paid Byrd Willis, a keeper; that the sum of ten dollars be paid T. J. Davis, a keeper; that the sum of ten dollars be paid F. A. Lamb, a keeper; that the sum of five dollars be paid J. D. Jacob, a keeper.

2. This act shall be in force from its passage.

CHAP. 33.—An ACT to authorize, empower, and direct the board of supervisors of Clarke county to build, construct, and maintain a toll-bridge at or near Castleman's ferry, in said county, and to build, construct, and maintain a toll-bridge at or near Berry's ferry, in said county of Clarke, over the Shenandoah river; to issue county bonds to the extent of forty thousand dollars, for the purpose of raising money for the construction of said bridges; to receive any subscriptions that may be made for said purpose; to provide for the collection, custody, and application of said tolls; and to validate an election held in the county of Clarke, November 4, 1902, approving an issue of the bonds of said county, to the amount of forty thousand dollars, for the purpose of constructing the said toll-bridges.

Approved December 8, 1902.

Whereas, an act was passed by the general assembly of Virginia, authorizing the board of supervisors of Clarke county to build, construct, maintain, two bridges over the Shenandoah river in Clarke county, and to submit to the qualified voters of said county at some general election the question of issuing the bonds of the county in a sum not exceeding forty thousand dollars for the purpose of constructing the same; and,

Whereas, the following form of ticket was adopted by the electoral board of said county for use by the voters at a general election held on the fourth of November, nineteen hundred and two, to-wit:

"For issuing bonds for toll-bridges.

For issuing bonds for free bridges.

Against issuing bonds"; and,

Whereas, a majority of said electors voted at said general election in said county in favor of issuing such bonds for the construction of toll-bridges at the places mentioned in said act; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the action of the board of supervisors in submitting said question to the qualified voters residing in said county, the form of such submission, and the result thereof, are hereby made as valid, binding, and legal, as if the same had been authorized by said act of March twenty-fifth, nineteen hundred and two. That the board of supervisors of the county of Clarke be, and the same are hereby, authorized, empowered, and directed to cause to be built and constructed, two suitable bridges, with the necessary approaches thereto, across the Shenandoah river, one of them to be located at or near Castleman's ferry, and the other to be located at or near Berry's ferry, in said county of Clarke: provided, the cost of the same to the tax-payers of the said county does not exceed the sum of forty thousand dollars.

2. That the said board of supervisors is authorized to condemn, purchase, or acquire by gift to the county, any rights and sites necessary therefor, on either side of said river, in the manner provided for by law.

3. That the said board of supervisors are authorized, empowered, and directed to borrow from time to time a sum or sums of money not exceeding in the whole the sum of forty thousand dollars, to be expended in the erection and construction of said bridges in said county, and to issue bonds of said county for the loan therefor. The bonds shall be either registered or coupon, in denominations of one hundred dollars each, or multiples thereof, in such form as said board may prescribe; shall be signed by the chairman of said board, and countersigned by the clerk thereof; shall bear interest at a rate not exceeding six per centum per annum, payable annually or semi-annually at the office of the treasurer of said county, and shall be payable not exceeding twenty years after date at said office, and may, in the discretion of said board, be redeemable within that period, and at such time or times as said board may prescribe. The said bonds, though of the same issue, may be made payable at different times, so that the same may mature and become due and payable at different and varying periods; but no bonds issued under this act shall be sold or negotiated at less than par.

4. The said board is hereby given full power to construct the said bridges, with reference to the subjects mentioned in the foregoing sections, in such manner as may seem best to them for the public interest, and to carry into effect the provisions and purposes of this act.

5. The said board is hereby authorized, empowered, and directed to receive all subscriptions that may be offered to aid in the construction and building of either or both of said bridges, the said subscriptions to be received and considered as a gift to said county, and when said board shall have ascertained that the cost to the tax-payers of said county of

constructing said bridges, including necessary approaches, will not exceed the sum of forty thousand dollars, it shall proceed to construct them, and if it shall appear that the cost to the tax-payers of constructing said bridges will exceed the sum of forty thousand dollars, but that the sums subscribed from private sources for the construction of any one of them, together with its ratable share of said sum of forty thousand dollars, are sufficient in amount for its construction, then it will be the duty of the board to construct such bridge, the ratable share of such forty thousand dollars so applicable to be the portion that is to the whole of said sum, as the cost of building said bridge is to the aggregate ascertained cost of building both bridges.

6. The said board of supervisors are authorized, empowered, and directed to secure suitable plans and specifications for said bridges, either by employment of skilled engineers or from contracting and construction companies, and to make such provisions for their payment as may be necessary in making up the annual county levy, and the said board shall annually include in the county levy, upon the property and lawful subjects of taxation in the said county as a part of the county levy, a sum and tax sufficient to pay any deficit in the annual interest on said bonds not realized from the tolls herein provided for, and in such manner as the said board deems best, create a sinking fund to pay off the said bonds at or before maturity.

7. The title to said bridges and all rights pertaining to same shall be in the county of Clarke, and the said bridges shall be, and remain, the property of the said county of Clarke.

8. The said board of supervisors is hereby authorized to levy toll on all persons, animals, and vehicles, the latter whether they are propelled by electricity, steam, or otherwise, the maximum rate so fixed by them not to exceed the present maximum rates of ferriage charged at Berry's or Castleman's ferries. They shall have the power to employ one or more bridge-keepers, who shall make monthly settlements with the said board of supervisors of the tolls collected by them, and who shall give bond, conditioned according to law, for the faithful discharge of their duties. The said board of supervisors shall fix the compensation of said bridge-keepers at a sum not to exceed five hundred dollars per annum for each bridge.

9. The county treasurer shall keep a distinct account of funds acquired from tolls collected at said bridges in a book provided for that purpose, and shall, on the order of said board of supervisors, pay out of said funds the salaries of said bridge-keepers, the cost of keeping said bridges in repair, the interest of the bonds issued on the authority of this act, and the balance he shall devote to a sinking fund for the purpose of retiring said bonds at or before maturity.

10. This act shall be in force from its passage.

CHAP. 34.—An ACT providing mileage to the members of the general assembly, clerks, officers, and pages of same for attending the reconvening of the general assembly in the city of Richmond on the 12th day of November, 1902.

Approved December 8, 1902.

Whereas, the constitutional convention enacted an ordinance convening the general assembly in extra session on the fifteenth day of July, nineteen hundred and two, for the purpose of putting in operation certain provisions of the new Constitution; and,

Whereas, the general assembly did convene on the fifteenth day of July, nineteen hundred and two, in obedience to said ordinance, and having completed the duties prescribed therein, adjourned to reconvene on the twelfth day of November, nineteen hundred and two, for the purpose of conforming the statute law to the new Constitution; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be directed to issue his warrant upon the treasury in favor of the members of the house of delegates and the senate, the sergeant-at-arms, the doorkeepers, the clerks, assistant clerks, committee clerks, and pages of the said bodies, for mileage at the rate of ten cents per mile for every mile of necessary travel to and from the place of meeting of the general assembly, to be computed according to the nearest mail route, for attending the reconvening of the general assembly in the city of Richmond on the twelfth day of November, nineteen hundred and two.

2. This act shall be in force from its passage.

CHAP. 35.—An ACT for the relief of any county or city treasurer who has lost the school warrant issued to any county or city treasurer, and to authorize the auditor of public accounts to credit the said treasurer with the amount of such lost school warrant.

Approved December 8, 1902.

1. Be it enacted by the general assembly of Virginia, That upon the production of satisfactory evidence that the school warrant issued by the auditor of public accounts to any county or city treasurer for any year has been lost, and that the amount of said warrant has been paid in the manner prescribed by law by the treasurer of said county or city, the auditor of public accounts be, and is hereby, authorized, upon settlement with said treasurer, to credit him with the amount of said warrant: provided, that the auditor of public accounts shall take from the said treasurer a bond of indemnity of sufficient penalty, with proper security, conditioned to save the Commonwealth harmless by reason of the loss of said warrant.

2. This act shall be in force from its passage.

CHAP. 36.—An ACT to appropriate \$5,000 to the State Female Normal School for betterments.

Approved December 15, 1902.

1. Be it enacted by the general assembly of Virginia, That the sum of five thousand dollars be, and the same is hereby, appropriated to the State Female Normal School, to be used for equipment of and completing the new building recently erected at the school.

2. This is an emergency act, and shall be in force from its passage.

CHAP. 37.—An ACT to amend and re-enact the act approved November 20, 1902, entitled "an act to provide for the payment of pensioners under the pension act of April 2, 1902, whose claims were not approved and filed in the office of the auditor of public accounts prior to September 1, 1902."

Approved December 15, 1902.

1. Be it enacted by the general assembly of Virginia, That the act approved November twentieth, nineteen hundred and two, entitled "an act to provide for the payment of pensioners under the pension act of April second, nineteen hundred and two, whose claims were not approved and filed in the office of the auditor of public accounts prior to September first, nineteen hundred and two," be amended and re-enacted so as to read as follows:

Whereas a large number of persons who have applied for pensions under the pension act approved April second, nineteen hundred and two, were unable to have their applications examined by the pension boards and approved by the courts in time to have their claims filed in the office of the auditor of public accounts prior to the first day of September, nineteen hundred and two, and consequently could not be paid their pensions for the year nineteen hundred and two: therefore,

§ 1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he hereby is, directed to draw his warrant upon the treasury in favor of each of said pensioners whose claim shall have been approved and filed in his office prior to the first day of February, nineteen hundred and three; and for the purposes of this act the judges of the circuit courts may re-examine and approve such applications in vacation, and when satisfied that the applicant is entitled to aid under the provisions of said act of April seventh, nineteen hundred and two, shall order the clerk of the court wherein said application is pending to certify to the auditor of public accounts that the applicant comes within the provisions of said act and is entitled to the relief therein provided for; but under the provisions of this act no application shall be considered which has not been filed in the clerk's office and acted upon by the local board prior to the passage of this act.

2. This being an emergency act, shall be in force from its passage.

CHAP. 38.—An ACT to authorize the Home for Needy Confederate Women to use for the purpose of enlarging the present buildings at Richmond, or for purchasing land or for erecting new buildings on a new site, the sum of \$5,000, which was appropriated to it by act approved April 2, 1902, entitled "an act appropriating the public revenues for the two fiscal years ending, respectively, on September 30, 1902, and September 30, 1903."

Approved December 15, 1902.

1. Be it enacted by the general assembly of Virginia, That the Home for Needy Confederate Women may, in its discretion, use for enlarging its present buildings at Richmond, or for purchasing land or for erecting new buildings on a new site, the sum of five thousand dollars, which was appropriated to it by act approved April second, nineteen hundred and two, entitled "an act appropriating the public revenues for the two fiscal years ending, respectively, on September thirtieth, nineteen hundred and two, and September thirtieth, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 39.—An ACT to ascertain and fix the term of office of the judges in the twenty-four judicial circuits of the State, respectively, at the first election by the general assembly under the Constitution which came into effect at noon on the 10th day of July, 1902.

Approved December 18, 1902.

1. Be it enacted by the general assembly of Virginia, That at the first election of circuit judges for the twenty-four judicial circuits of the State under the Constitution which went into effect at noon on the tenth day of July, nineteen hundred and two, Anno Domini, the judges for the First, Fifth, Ninth, Thirteenth, Seventeenth, and Twenty-first judicial circuits shall be elected for a term of two years.

The judges for the Second, Sixth, Tenth, Fourteenth, Eighteenth, and Twenty-second judicial circuits shall be elected for a term of eight years.

The judges for the Third, Seventh, Eleventh, Fifteenth, Nineteenth, and Twenty-third judicial circuits shall be elected for a term of six years.

The judges for the Fourth, Eighth, Twelfth, Sixteenth, Twentieth, and Twenty-fourth judicial circuits shall be elected for a term of four years.

2. This act shall be in force from its passage.

CHAP. 40.—An ACT to provide for defending certain suits, involving the validity of the Constitution, or Article II. thereof, brought against members of the constitutional convention, the governor, and other officers.

Approved December 20, 1902.

Whereas, certain suits have been instituted, and others are being threatened to be instituted, against the governor of the State, members of the constitutional convention which met in Richmond on June twelfth, nine-

teen hundred and one, and against certain State, county, or municipal officers; and,

Whereas, said suits are in fact proceedings against the State, in which the validity of the Constitution of the State, or of article two thereof, is being attacked; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the attorney-general of Virginia be, and is hereby, directed to defend, or to cause to be defended, the interests of the State and of all such members of said convention, and of such officers, in all such litigation, whether now pending or which may hereafter be instituted. The attorney-general is hereby authorized to employ one or more persons as counsel to assist him or to appear for said defendants in said suits.

To carry out the provisions of this act, there is hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary. The compensation of any counsel so employed shall be approved by the governor, and the auditor of public accounts shall draw his warrants upon the treasurer for the amounts payable to counsel employed under this act, and for the necessary legal costs and expenses incurred in defending said suits, upon accounts approved by the attorney-general.

2. This act shall be in force from its passage.

CHAP. 41.—An ACT to provide for an industrial and commercial exhibit by the Commonwealth of Virginia at the Louisiana purchase exposition, and to appropriate money for the same.

Approved December 20, 1902.

Whereas, the city of Saint Louis has provided for celebrating the one hundredth anniversary of the purchase of the Louisiana territory, the act of President Thomas Jefferson, of Virginia, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, forest, mine, and sea, at the said city in the year nineteen hundred and four; and,

Whereas, it is deemed essential by the general assembly of Virginia that the natural and material resources and commercial and industrial development of this Commonwealth be creditably and adequately displayed at said exposition; therefore,

1. Be it enacted by the general assembly of Virginia, That, for the purpose of defraying the cost and expense of an exhibit that will best illustrate said natural and material resources and commercial and industrial development of the State of Virginia, the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the moneys in the treasury not otherwise appropriated, to become available on the passage of this act: provided, that said sum be devoted exclusively to providing said exhibit, and no part thereof shall be expended in the construction of any building or buildings; provided further, that all sums expended by the State on account of said exhibit shall be limited to and paid out of the appropriation herein provided for such purpose.

2. That a commission is hereby constituted, to consist of three commissioners, one of whom shall be the commissioner of agriculture, to be known and designated as the "Virginia Commission to the Louisiana Purchase Exposition." That said commissioners shall be appointed by the governor within thirty days from the passage of this act, and shall be subject to removal by him. Vacancies in said commission to be filled in the same manner as original appointments.

3. That the commission so appointed shall be called together by the governor, by notice to the commissioners, as soon as convenient after the appointment of said commission, and within thirty days thereafter. That the said commission, at said first meeting, shall organize by the election of their officers, and they may then, or thereafter, employ such assistants as they may deem absolutely necessary to aid in securing a complete and creditable exhibit by the State, and displaying same at said exposition: provided, that said assistants do not exceed the number of five, one of whom shall be a principal assistant and treasurer and receive a compensation of not to exceed one hundred dollars a month.

4. That said commission shall have authority to make rules and regulations for its guidance, and is hereby charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and material as best illustrate the natural and material resources and industrial and commercial development of the State; said articles and material to comprise an exhibition of the products of the soil, mine, forest, and sea, and the arts, industries, and manufactures of Virginia.

5. That said articles and material, belonging to the State, shall, upon their return to the State, as herein provided, be delivered by said commission to the department of agriculture, and the commissioner of agriculture is hereby directed to preserve said articles and material until other provision shall be hereafter made.

6. That the members of said commission shall not be entitled to compensation for their services, but shall be allowed their actual and necessary expenses while engaged in the performance of their duties. That said commission, hereby authorized, shall cease to exist after the sixtieth day from the close of said exposition.

7. That upon the presentation of orders from said commission, approved by the governor, the auditor of public accounts shall issue warrants on the treasurer of the State for the payment thereof, until the sum of fifty thousand dollars appropriated by this act shall be exhausted: provided, that the treasurer of said commission shall give bond in some approved guarantee company in the sum of ten thousand dollars; the expense of said bond to be paid out of the appropriation herein made.

8. That said commission shall report progress to the governor at such periods as he may direct, and said commission, upon the conclusion of their labors, shall make final settlement with the auditor and furnish him with a sworn statement of their receipts and disbursements under this act.

CHAP. 42.—An ACT to regulate the running of automobiles, locomobiles, and other vehicles and conveyances whose motive power is other than animals, and motor bicycles and tricycles, along or over the public highways of the State and the avenues, streets, and alleys of the cities.

Approved December 20, 1902.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons to run, or cause to be run, automobiles, locomobiles, or other such vehicles or carriage which has for its motive power and is propelled by steam, electricity, gasoline, or any power other than animal power, and motor bicycles and tricycles along or across any public road or highway, or any avenue, street, or alley of any city in the State of Virginia, at a greater rate of speed than fifteen miles per hour.

2. The operator, owner, conductor, driver, or occupant of any such vehicle, or the rider of any such motor bicycle or tricycle, shall keep a careful look ahead for the approach of horseback riders or vehicles drawn by horses or other animal, shall check speed, keep his vehicle, bicycle, or tricycle, as the case may be, under thorough and careful control, give ample roadway to such rider or vehicle, and if signalled by such rider or occupant of such vehicle, or be otherwise requested thereto, shall immediately bring his machine or vehicle, bicycle or tricycle, as the case may be, to a full stop and allow ample time to such rider or vehicle to pass.

3. When the operator, owner, conductor, driver, or occupant of any such vehicle or machine, or the rider of any such bicycle or tricycle, as is described in the first section, overtakes a horse or vehicle traveling in same direction with himself, he shall slow down his speed, signal for the road by bell or gong, and if the other vehicle stops, shall pass at a rate of speed not greater than four miles per hour. Should the vehicle or traveler not stop, and the said operator, owner, conductor, driver, or occupant of such vehicle, or rider of any such bicycle or tricycle desire to pass, he shall do so at a rate of speed not greater than may be necessary, and shall in all cases use due diligence and care not to frighten the horse or horses.

4. Any one violating the provisions of this act shall be fined not less than ten dollars, nor more than one hundred dollars, to be assessed by a justice of the peace, and in addition thereto shall be liable for damages actually incurred by reason of such neglect, and the automobile, locomobile, or such other vehicle or machine, bicycle or tricycle, may be seized and impounded anywhere in the Commonwealth upon the order of a justice of the county or corporation in which the offense is committed, and may by the order of such justice be sold to pay such fines or damages.

5. In any case where any automobile, locomobile, or such other vehicle or machine, motor bicycle or tricycle, shall be impounded as provided in preceding section, the officer shall fix upon a time and place for the sale thereof, and post notice of same at least ten days before day of sale at three or more public places in his county or corporation, and shall publish notice of sale in some paper published in his county or corporation (if there be one published therein) for two consecutive weeks. At the time and place so appointed such officer shall sell to the highest bidder, for

cash, the said automobile, locomobile, or other vehicle or machine, motor bicycle or tricycle, and the surplus, if any there be, after deducting the amount of the fine, cost, and damage, shall be paid to the owner of said property.

6. This act shall not apply to incorporated towns or cities which now or shall hereafter have ordinances regulating speed of the vehicles or machines mentioned in the preceding sections.

7. This act shall be in force from its passage.

CHAP. 43.—An ACT to facilitate the committees of the general assembly in their work of adjusting the general statutes to the new Constitution by providing for the collection, classification, and placing in convenient form for each committee such general statutes as pertain to the subjects assigned to it.

Approved December 20, 1902.

1. Be it enacted by the general assembly of Virginia, That the sum of five hundred dollars, or so much thereof as may be necessary, be, and is hereby, appropriated for the purpose of collecting, classifying, and placing in convenient form for each committee such general statutes as pertain to the subjects assigned to it.

2. That the said sum, or so much thereof as may be necessary, shall be spent under the supervision of the chairman of the finance committee of the house of delegates, and the chairman of the committee on finance and banks of the senate.

3. That the auditor of public accounts be, and is hereby, directed to issue his warrants on the treasurer of the Commonwealth for such sums as are necessary to carry out the provisions of this act, not to exceed in the aggregate the sum hereby appropriated, upon receiving a certificate, or certificates, signed by the chairman of each of said committees, certifying that the person or persons in whose favor such warrant or warrants are to be drawn have performed services or furnished material necessary to carry out the provisions of this act.

4. That, in order to further carry out the provisions of this act, the secretary of the Commonwealth be, and is hereby, instructed to deliver to said chairmen six copies of the Code of Virginia, eighteen hundred and eighty-seven, and six copies of all volumes of the acts of assembly issued since eighteen hundred and ninety-eight.

5. This act shall be in force from its passage.

CHAP. 44.—An ACT to allow the board of supervisors of the county of Campbell to purchase the Lynchburg and Campbell courthouse turnpike, and to operate the same as a turnpike, or in its discretion convert it into a public road.

Approved January 26, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Campbell county be, and it hereby is, authorized and empowered, in its discretion, to purchase or otherwise legally acquire, on

behalf of said county, that certain road within said county known as the Lynchburg and Campbell courthouse turnpike, and all franchises and appurtenances thereto belonging, and said board is authorized and empowered to operate said road as a turnpike, or, in its discretion, to establish the same as a public road.

2. This act shall be in force from its passage.

CHAP. 45.—An ACT to authorize the town council of the town of Luray to borrow money and increase levy for street and road purposes.

Approved January 26, 1903.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Luray, Page county, Virginia, be, and the said council is hereby, authorized and empowered to borrow the sum of two thousand five hundred dollars with which to complete a bridge now in process of construction across the Hawksbill creek, in said town.

2. That the rate of interest to be paid on the money borrowed as aforesaid shall not exceed four and one-half per centum per annum, to be paid annually, and the said council shall issue certificates of indebtedness, payable annually out of the revenues of said town at such time and for such amounts as the said council shall fix and determine.

3. That the said council shall have the power and is hereby authorized to increase the tax levy for street and road purposes in said town to thirty cents on each one hundred dollars of the assessed value of the real and personal property in said town for the purpose of increasing said fund with which to pay said certificates of indebtedness.

4. By reason of the dilapidated and dangerous condition of the old bridge across said creek, it was and is absolutely necessary that the bridge for which this bill provides shall be constructed at once; therefore this act shall be in force from its passage.

5. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 46.—An ACT authorizing Fairfield school district to issue bonds for the purchase of property to be used for school purposes.

Approved January 26, 1903.

Whereas, it has become necessary for the Fairfield school district, in the county of Henrico, to purchase from the Howard's Grove Baptist church, in said county, a certain lot and the buildings thereon, and to use said property for school purposes; and,

Whereas, the said school district has purchased the said property; and,

Whereas, some doubt has arisen as to whether the present board of trustees have a right to issue bonds or notes for such purpose beyond one year from the time such bonds are issued; and,

Whereas, it is to the advantage and benefit of such school district to issue a bond for a longer period; therefore,

1. Be it enacted by the general assembly of Virginia, That Fairfield school district, of Henrico county, be, and the same is hereby, authorized to issue a bond or note for not exceeding one thousand dollars, negotiable and payable out of the school funds of said district three years after date, to provide funds to purchase the before-mentioned real estate for the purpose of using the same for a graded school.

2. This act shall be in force from its passage.

CHAP. 47.—An ACT to provide for telephone service in the office of the secretary of the Commonwealth and to appropriate money for that purpose.

Approved January 26, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of seventy-two dollars per annum for two years be, and the same is hereby, appropriated, payable out of any money in the treasury not otherwise appropriated, to pay for telephone service in the office of the secretary of the Commonwealth.

2. The said sum shall be payable in monthly instalments on the order of the secretary of the Commonwealth, drawn on the auditor of public accounts, accompanied by proper vouchers.

3. This act shall take effect from its passage.

CHAP. 48.—An ACT to amend and re-enact section 7, chapter 4, of the revised charter of the city of Lynchburg, relating to the bonds of the city officials.

Approved January 26, 1903.

1. Be it enacted by the general assembly of Virginia, That section seven of chapter four of the revised charter of the city of Lynchburg, chapter one hundred and seventy-three of the acts of assembly of eighteen hundred and ninety-five and eighteen hundred and ninety-six, approved January twenty-ninth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 7. The following officers shall give to the city bonds with sureties to be approved by the council, conditioned so as to secure the faithful discharge of their official duties, and the several penalties of said bonds shall be not less than the sums named below, but may at the will of the council be greater, to-wit: The mayor, five thousand dollars; the treasurer, fifty thousand dollars; the collector, fifty thousand dollars; the city auditor, twenty thousand dollars; the commissioner of the revenue, five thousand dollars; the city engineer, five thousand dollars; the high constable, one thousand dollars.

2. This act shall be in force from its passage.

CHAP. 49.—An ACT providing for the erection of a fence around Lee monument, at Richmond.

Approved January 26, 1903.

1. Be it enacted by the general assembly of Virginia, That the register of the land office be, and is hereby, directed to erect an iron or steel fence around the base of Lee monument at Richmond, and for this purpose the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated.

CHAP. 50.—An ACT to validate certain records of the county court of the county of Powhatan.

Approved January 27, 1903.

Whereas, the late T. M. Miller, judge of the county court of the county of Powhatan, departed this life during his term of office without having signed certain proceedings duly entered of record by the clerk of the court over which he presided; and,

Whereas, the failure to sign said proceedings embraced all of the time from the sixteenth day of January, nineteen hundred and two, to and including the fourth day of June, nineteen hundred and two; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the proceedings of the county court of the county of Powhatan, beginning on the sixteenth day of January, nineteen hundred and two, and continuing up to and including the fourth day of June, nineteen hundred and two, as recorded by the clerk of said court, be, and the same is hereby, declared to be of the same force and effect as if the same had been duly read and signed by the presiding judge of said court during the term of said court, as by statute directed. And the clerk of said court is hereby directed to sign his name to said records in attestation thereof, and to note on the margin suitable reference to this act.

2. This act shall be in force from its passage.

CHAP. 51.—An ACT to amend and re-enact an act approved November 20, 1902, entitled an act to provide for the payment of pensions under pension act of March 7, 1900, whose claims were not approved under provisions of act of April 2, 1902, and filed in the office of the auditor of public accounts prior to September 1, 1902.

Approved January 27, 1903.

1. Be it enacted by the general assembly of Virginia, That the act approved November twentieth, nineteen hundred and two, entitled "an act to provide for the payment of pensions under pension act of March seventh, nineteen hundred, whose claims were not approved under provisions of act of April second, nineteen hundred and two, and filed in the office of the auditor of public accounts prior to September first, nineteen hundred and two," be amended and re-enacted so as to read as follows:

Whereas, a large number of persons who were on the pension rolls under the terms of the pension act of March seventh, nineteen hundred, were unable to have their original applications examined by the pension boards and judges of circuit, hustings, or corporation courts in time to have their claims filed in the office of the auditor of public accounts prior to the first day of September, nineteen hundred and two, and consequently could not be paid their pension for the year nineteen hundred and two; therefore,

§ 1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he hereby is, directed to draw his warrant upon the treasury in favor of each of said pensioners whose claims shall have been approved and filed in his office prior to the first day of March, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 52.—An ACT to authorize the council of the city of Portsmouth to issue bonds for the paving and grading of the streets of the city.

Approved January 27, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Portsmouth, in order to continue the paving and grading of its streets, to issue, in addition to any bonds they may be now authorized to issue for this purpose, coupon or registered bonds in sums not less than one hundred dollars, at a rate of interest to be determined by said council, not to exceed, however, six per centum per annum, payable semi-annually; said bonds to be made payable thirty years after their date: provided, that the whole amount of bonds to be issued under this act shall not exceed the sum of fifty thousand dollars. The said bonds shall be signed by the president of the city council and the city treasurer, with the seal of the city thereto affixed, attested by the city clerk. The proceeds of the sale thereof shall not be applied or used for any other purpose than that herein specified. The said bonds shall not be subject to any taxation whatever by the city of Portsmouth; and the council of the said city shall, for the payment of the interest on said bonds, levy a special tax sufficient to pay the annual interest on said bonds, or may provide for same out of the general levy. Nothing herein contained shall be construed as compelling the said city to issue any or all of the said bonds. The council may dispose of said bonds in such manner as it may deem expedient: provided, however, that the said bonds shall in no case be disposed of for less than their par value.

2. This act shall be in force from its passage.

CHAP. 53.—An ACT to provide for the issue of bonds for the payment of the balance of the contract price for paving Washington avenue and Twenty-fifth street, Newport News.

Approved January 27, 1903.

1. Be it enacted by the general assembly of Virginia, That in addition to the present indebtedness of the city of Newport News and the certifi-

cates of debt or bonds which the council of the said city is otherwise authorized by law to issue, the common council of the said city may, in the name and for the use of the said city, cause to be issued certificates of debt or bonds (the form of which shall be prescribed by the council), in the amount of fifty-six thousand dollars, payable in United States currency, bearing a rate of interest not exceeding six per centum per annum, and payable, in the discretion of the council, in not less than twenty nor more than forty years from their date: provided, however, that the money arising from the sale of said bonds shall be used and applied by said city to the payment of any indebtedness it may have incurred and remaining unpaid, in the paying heretofore done on Washington avenue and Twenty-fifth street in said city.

2. This act shall be in force from its passage.

CHAP. 54.—An ACT to authorize the city of Newport News to use the money derived from the sale of bonds, and appropriated for the establishment of a crematory, in paying for street improvements.

Approved January 27, 1903.

Whereas, by an act of the general assembly of Virginia, approved January twenty-fifth, nineteen hundred, the city of Newport News was authorized to issue in its name bonds for the purpose of establishing a crematory; and,

Whereas, the said city has issued and sold such bonds, and now desires to use the money so derived for improving its streets, instead of establishing a crematory; therefore,

1. Be it enacted by the general assembly of Virginia, That the city of Newport News be, and it is hereby, authorized and directed to use the money derived from the issuance and sale of bonds authorized by an act of the general assembly of Virginia, approved January twenty-fifth, nineteen hundred, and appropriated for the establishment of a crematory in said city, for paying any indebtedness which it has, or may hereafter incur, in making street improvements.

2. This act shall be in force from its passage.

CHAP. 55.—An ACT to amend and re-enact an act of the general assembly of Virginia, approved March 5, 1894, entitled "an act to amend and re-enact section 3049 of the Code of Virginia, providing when a judge of a county or corporation court fails to hold the same, what judge may do so, when the governor may designate a judge to do so, his pay and mileage."

Approved January 27, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty hundred and forty-nine of the Code of Virginia, eighteen hundred and eighty-seven, as amended by act of the general assembly, approved

March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3049. When the judge of a county or corporation court fails or is unable to hold the same; what judge may do so; when governor may designate a judge to do so; his pay and mileage.—If a judge of a county or corporation court be unable or fail to attend a regular term of his court, or be prevented by sickness from sitting during the whole term, or any part thereof, the fact shall be certified to the governor by the judge, the clerk of the court, or the Commonwealth's attorney of said county or corporation, who shall designate a judge to hold said court, and if it be a corporation court, shall designate a judge of a corporation or circuit court. And if the judge of any county or corporation court shall be so situated as to render it improper, in his judgment, for him to decide any case, or preside at any trial, civil or criminal, he shall so enter of record as soon as said case comes before his court, and the clerk of said court shall at once certify the same to the governor, who shall designate a judge of a county court to preside over said court during the trial of said case, if it be in the county court, or a judge of a corporation or circuit court if it be in a corporation court. When a vacancy either by death or resignation exists in the office of judge of a county or corporation court, the clerk of such court shall certify the fact to the governor of the State, who is hereby authorized to designate a judge of any other county court to hold the regular terms of the county court in which such vacancy exists, and to designate any circuit or corporation judge to hold the regular terms of the corporation court in which such vacancy exists, until such vacancy be filled as prescribed by law; and for any service provided for in this section said judge shall receive the mileage prescribed by law and five dollars per day for the time he is actually engaged in holding court, to be paid out of the treasury of the county or corporation in which said court is held: provided, however, that this section shall not apply to the hustings court or to the chancery court of the city of Richmond.

2. This act shall be in force from its passage.

CHAP. 56.—An ACT to declare the powers and jurisdiction of the county and corporation courts in the exercise of the jurisdiction created by an act entitled "an act to amend and re-enact section 606 of the Code of Virginia as heretofore amended in relation to sale of delinquent lands purchased in the name of the auditor," which act was approved March 6, 1900, and to prescribe when the same shall be in force.

Approved February 4, 1903.

Whereas, under the provisions of an act entitled "an act to amend and re-enact section six hundred and sixty-six of the Code of Virginia as heretofore amended in relation to sale of delinquent lands purchased in the name of the auditor," which act was approved March sixth, nineteen hundred, a number of applications to purchase real estate so pur-

chased by the auditor have been filed in various counties and cities in the State; and,

Whereas, under the provisions of said act, sundry notices of motions to dismiss said applications and to otherwise contest the right of the applicants to purchase the said real estate have been given, and said motions are pending in the county and corporation courts of said counties and cities; and,

Whereas, there appears to be doubt and uncertainty as to the extent of the powers and jurisdiction conferred by said act upon the said county and corporation courts in relation thereto; and,

Whereas, it is important to at once declare and define the powers and jurisdiction of said courts as conferred by said act; now, therefore,

1. Be it enacted by the general assembly of Virginia, That in the exercise of the jurisdiction conferred upon them by the act approved March sixth, nineteen hundred, entitled "an act to amend and re-enact section six hundred and sixty-six of the Code of Virginia as heretofore amended in relation to sale of delinquent lands purchased in the name of the auditor," the county and corporation courts of this State have, and shall have, jurisdiction to try all questions arising upon any notice or motion provided for in said act according to the principles of law and equity, and may sustain or dismiss any application as to all or any part of the real estate mentioned therein, or as to any party thereto, and may determine what portion of said real estate the applicant is entitled to purchase under said act and direct accordingly, and may enter such other order in relation to said notice, motion, or application as may be just and proper according to the rights of the parties.

2. This act shall apply to all motions, notices, and applications made in pursuance of the aforesaid act of March sixth, nineteen hundred, whether the same be now pending or hereafter made.

3. Any person interested in said land and entitled to redeem the same shall have the right to do so at any time before the final order of the court.

4. By reason of the facts set forth in the preamble to this act, there is an emergency for its immediate operation, and the same shall be in force from its passage.

CHAP. 57.—An ACT to compensate the heirs of J. J. Moran for services rendered by him as agent of the State of Virginia in prosecuting the claim of the State for the recovery of the direct tax levied by the federal government under act of congress approved August 5, 1861, and acts amendatory thereof.

Approved February 4, 1903.

Whereas, the general assembly of the State of Virginia, by an act approved March third, eighteen hundred and eighty, did authorize the governor of said State to appoint an agent to collect claims due the said State, including a claim against the United States on account of taxes collected under the act of congress approved August fifth, eighteen hundred and sixty-one, and the amendatory acts thereto, and to pay said agent for his services a sum not to exceed twenty-five per centum upon

the net amount of moneys collected and turned into the treasury of the said State; and,

Whereas, the Honorable F. W. M. Holliday, governor of said State, by authority of said act of the general assembly, did, with the approval of the attorney-general, on the twenty-eighth day of April, eighteen hundred and eighty, by a duly executed contract in writing, appoint Doctor J. J. Moran, now deceased, of Falls Church, Fairfax county, Virginia, a special agent to adjust, determine, and settle said claim, among others, agreeing to pay the said J. J. Moran for his services twenty-five per centum upon the amount of all money turned into the treasury upon said claim, which the said J. J. Moran was to adjust, determine, and settle; and,

Whereas, the said Moran departed this life in the year eighteen hundred and eighty-eight, leaving Charles R. Moran, Katie C. Moran (now Vinson) and Washington E. Moran, his children and only heirs at law and distributees; and,

Whereas, the act of the federal congress, approved March second, eighteen hundred and ninety-one, providing for the payment to the State the amounts collected under the act of congress approved August fifth, eighteen hundred and sixty-one, contained the following: And provided further, that no part of the money hereby appropriated shall be paid out by the governor of any State or Territory, or any other person, to any attorney or agent, under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent; and,

Whereas, it appears that the said J. J. Moran spent much time and money in the investigation and prosecution of the claim of the State against the federal government, for which service and expenditure neither he nor his heirs have ever received any compensation whatever from any source; and,

Whereas, by the passage of the act of March second, eighteen hundred and ninety-one, a large sum of money was paid to the State and distributed to certain citizens thereof, and a large sum remaining unclaimed, turned over to the counties and cities thereof for road and street improvements; and,

Whereas, it is just and equitable that the heirs of the said J. J. Moran should be reimbursed to some extent for the service and expenditure by him made; therefore,

Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his warrant, payable to the said Charles R. Moran, Katie C. Vinson (nee Moran), and Washington E. Moran, upon the treasury of this Commonwealth, for the sum of ten thousand dollars, which, when accepted by said heirs, shall be in full payment, discharge, and satisfaction of all claims and demands for the expenses incurred and services performed by the said Dr. J. J. Moran under said contract.

CHAP. 58.—An ACT to empower the county court of King William county to authorize and permit a Confederate monument to be erected upon the public square at the county seat thereof.

Approved February 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the county court of King William county be, and it is hereby, empowered, with the concurrence of the board of supervisors of said county, entered of record, to authorize and permit the Confederate Monument Association of King William county to erect a Confederate monument upon the public square of said county at the county seat thereof, and if the same shall be so erected it shall not be lawful thereafter for the authorities of said county, or any other person or persons whatever, to disturb or interfere with any monument so erected, or to prevent said association from taking all proper measures and exercising all proper means for the protection, preservation, and care of any such monument.

2. This act shall be in force from its passage.

CHAP. 59.—An ACT to authorize the school board of the city of Manchester to borrow money and issue bonds.

Approved February 4, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the school board of the city of Manchester to borrow money not to exceed the sum of fifteen thousand dollars, and to issue a bond or bonds therefor, to bear interest at a rate not greater than five per centum per annum, for the purpose of building additional school-houses for the accommodation of the school children, and there being pressing demand for immediate action in the premises.

2. That the money so borrowed by the said board shall be expended for building and equipping a school-house, to such an extent and in such manner as to the said board shall seem most judicious, on the lot at the southeast corner of Bainbridge and Eleventh streets, in the said city, fronting one hundred and thirty-two feet on the south side of said Bainbridge street, and running back between parallel lines one hundred and fifty-five feet, to an alley, or on any other lot that may be selected for the purpose, and in paying the debts hereafter contracted by the said board for the said purpose, the consent of the city council of the city of Manchester having been first had and obtained for the use of the said lot, or any other lot used for the purposes aforesaid.

3. That a bond or bonds shall be issued in such denominations as the said board shall prescribe, which shall bear interest at a rate not to exceed five per centum per annum, payable semi-annually, and the principal thereof to be paid in not less than ten nor more than thirty-four years after date, the said board to reserve the privilege of paying the same at any time after ten years, and shall be in the form following:

Know all men by these presents, That the school board of the city of Manchester, in the State of Virginia, is justly indebted to _____,

or bearer, in the sum of _____ dollars, redeemable at the pleasure of the said board, at any time after the expiration of ten years from the date hereof, and payable on the _____ day of _____, nineteen _____, to bear interest at the rate of five per centum per annum, from date, payable semi-annually.

In testimony whereof, the school board of the city of Manchester has caused the corporate seal of the said board to be affixed hereto, and these presents to be signed by its chairman and attested by its clerk, this, the _____ day of _____, nineteen _____.

And the same shall be signed by the chairman and the clerk of the said board, and have the corporate seal of the said board affixed. The said bond or bonds may be either registered or coupon bonds, and, if coupon bonds, the coupons shall be in the usual form of such securities; and the coupons attached, if coupon bonds, shall be signed by the said chairman and clerk of the said board.

4. That, upon the consent of the city council of the said city of Manchester first being given and obtained, the said bond or bonds may be issued, in accordance with this act, and the said lot on Bainbridge street, above mentioned and described, or such other lot as may be selected and decided upon to be conveyed for such purposes, the city council of the said city to designate the lot to be thus conveyed for such purposes, and is hereby empowered to designate either the lots upon which the school-houses of the said city now stand, or any one of them, or any other lot that the said city shall acquire, shall be pledged for the principal and interest thereof, according to its or their tenor and effect, and the said bonds, if more than one be issued, shall be made of the same date and dignity; and the said bond or bonds shall be secured, according to the terms and conditions herein contained and expressed, by a deed of trust conveying the said lots, or lot, with the buildings thereon, selected and decided upon to be conveyed for said purposes, designated by the said city council of the said city, as above provided for, in trust, for that purpose; and the said board is authorized to direct and empower its chairman to execute such deed of trust, and the chairman of the said board is authorized, upon such direction and authorization of the said board, to execute such deed of trust to secure the payment of the said bond or bonds, when it or they are issued, as above provided for. And the said board shall provide for the payment of the accruing interest and at least one thirty-fourth of the principal of the said bond or bonds, annually, and shall include in the annual estimate of the amount of money which will be needed in the said city under clause eight of section fourteen hundred and sixty-six of the Code of Virginia, a sufficient sum for that purpose, in addition to what shall be necessary to defray the other lawful expenses therein mentioned, which shall be appropriated to the payment of the said interest, and providing for a sinking fund for the redemption of the said bond or bonds. The proceeds of the sales of the said bond or bonds, when the same are sold, and the moneys appropriated for the said sinking fund, shall be placed in the city treasury, and paid out only upon the warrant of the said board in the usual form, for the purposes aforesaid.

5. That the said bond or bonds may be issued and sold by the said

board for the purpose of raising the said sum of money, or any sum not exceeding the said sum of fifteen thousand dollars: provided, that neither it nor they shall be sold for less than its or their par value.

6. This act shall be in force from its passage.

CHAP. 60.—An ACT to authorize the council of the town of Salem, in Roanoke county, to retire and refund certain bonds of said town.

Approved February 4, 1903.

Whereas, the council of the town of Salem, in the county of Roanoke, under authority given by its charter, approved February eighteenth, anno domini, eighteen hundred and ninety, did legally issue certain bonds of said town, known as improvement bonds, for the municipal purposes thereof, which bonds bear date of the nineteenth day of September, anno domini, eighteen hundred and ninety-two, bearing interest at the rate of six per centum per annum from their date, payable on December first, nineteen hundred and eleven, with the privilege reserved to said town to pay the same in ten years from date of same, which bonds to the amount of nineteen thousand dollars constitute a valid bonded indebtedness of said town, and are now outstanding and unpaid; and,

Whereas, the said town is desirous of retiring said outstanding bonds by the issuance of refunding bonds of said town, in place thereof; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the council of the town of Salem, in Roanoke county, be, and is hereby, authorized and empowered to issue the bonds of said town, either coupon or registered, to the amount of nineteen thousand dollars, to be known as refunding bonds, of the denomination of one thousand dollars or five hundred dollars each, as to the town council may seem proper, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, the principal payable in gold coin of the United States of America, of the present standard of weight and fineness, at the expiration of twenty years from their date; principal and interest payable at some national bank or trust company of and in the city of New York, in the State of New York, for the purpose of refunding and retiring said improvement bonds of said town to the amount of nineteen thousand dollars; and when issued said refunding bonds to be exempt from taxation, either special or general, for town purposes.

2. That the council of said town is hereby authorized to, and it shall annually, make provision for the levy of an annual tax upon all the taxable property in said town sufficient to pay the interest upon said bonds, as it becomes due, and to provide a sinking fund to pay the principal thereof when it becomes due.

3. This act shall take effect and be in force from and after its passage.

CHAP. 61.—An ACT to authorize and empower the board of supervisors of King William county to appropriate and contribute money to the Confederate Monument Association of King William county, for the purpose of aiding the erection of a monument to the Confederate soldiers of said county.

Approved February 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of King William county be, and it is hereby, authorized and empowered, if, in its opinion, it be just and proper so to do, to appropriate and contribute out of the county funds a sum of money, not exceeding five hundred dollars, to the Confederate Monument Association of King William county, for the purpose of aiding said association in the erection of a monument upon the public square of said county, at the county seat thereof, to the Confederate soldiers of said county. Such appropriation may be made as a whole, or may be made and paid out by instalments, as the said board may determine.

2. This act shall be in force from its passage.

CHAP. 62.—An ACT to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances.

Approved February 7, 1903.

1. Be it enacted by the general assembly of Virginia, That title eight, chapter fourteen, of the Code of Virginia, in relation to salaries, mileage, and other allowances, be amended and re-enacted so as to read as follows:

TITLE EIGHT.

Salaries, Mileage, and Other Allowances.

CHAPTER XIV.

SALARIES OF CERTAIN OFFICERS OF GOVERNMENT; COMPENSATION OF MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY; MILEAGE AND OTHER ALLOWANCES.

§ 183. First, governor and his secretary and assistant secretary, who shall be the governor's messenger; second, attorney-general—his clerk; third, secretary of Commonwealth and his clerks; fourth, auditor of public accounts and his clerks; fifth, second auditor and his clerks; sixth, treasurer and his clerks; seventh, superintendent of public printing and his clerk; eighth, register of land office; ninth, superintendent of penitentiary, surgeon, and assistant keepers, clerks, and matron; tenth, pay of directors of penitentiary; eleventh, guards at penitentiary; State farm; twelfth, State corporation commission, clerks and expenses; thirteenth, commissioner of agriculture and his clerk; fourteenth, superintendent of public instruction; fifteenth, commissioner of labor; sixteenth, adjutant-

general; seventeenth, capitol and library, sub-officers; eighteenth, commissioner of State hospitals for the insane.

LEGISLATIVE DEPARTMENT.

§ 184. First, salary of members and officers of the general assembly; second, their mileage; third, salary of clerks of senate and house; fourth, assistant clerks, journal and reading clerks, document clerk, and librarian; fifth, pay of enrolling clerk; sixth, of committee clerks; seventh, of sergeant-at-arms; eighth, of doorkeepers; ninth, of pages.

JUDICIARY DEPARTMENT.

§ 185. First, judges of court of appeals; second, of clerks, reporter and stenographer; third, of judges of circuit courts, etc.; fourth, mileage; fifth, county court judges; sixth, judges of corporation courts.

§ 186. Increase of salaries of judges.

§ 187. Of salaries of certain city judges.

§ 188. How salaries and mileage paid.

§ 189. Rate of mileage.

§ 190. Distances between Richmond and the courthouses of counties and certain cities.

§ 191. How ascertained from place other than courthouse.

§ 192. Liability of salary of officer for debt he owes the State; how enforced.

§ 193. When officer's right to sue for salary barred.

The several officers hereinafter mentioned shall receive annually the following sums—that is to say:

§ 183. First, salary of governor, his secretary, and assistant secretary and messenger.—The governor, the sum of five thousand dollars. The governor is authorized to employ a secretary, for such time as the public service may require, at a salary not exceeding the rate of twelve hundred dollars per annum; and an assistant secretary, who shall be the governor's messenger, at a salary not exceeding the rate of nine hundred dollars per annum, payable monthly on the certificate of the governor.

Second, salary and mileage of attorney-general; his clerk.—The attorney-general, the sum of twenty-five hundred dollars, in full for his services; and ten cents per mile for every mile of necessary travel on business for the State. He is authorized to employ a clerk at a salary not to exceed nine hundred dollars per annum; and to expend for the contingent expenses of his office, exclusive of mileage, a sum not exceeding two hundred dollars per annum.

Third, salary of secretary of Commonwealth and his clerks.—The secretary of the Commonwealth, the sum of two thousand eight hundred dollars; all fees of office and commissions accruing shall be paid into the treasury; for his clerks, a sum not exceeding two thousand dollars per annum, as a compensation for their services, to be apportioned among them as he may deem proper; and for the contingent expenses of his office, a sum not exceeding six hundred dollars.

Fourth, of auditor of public accounts and his clerks.—The auditor of public accounts, the sum of three thousand dollars; but all fees of office accruing to him shall be paid into the treasury. He shall have power to

appoint such clerical force as he may deem necessary to the efficiency of his department, and to apportion such salaries among his several clerks as he may think proper; but the aggregate amount paid to such clerks shall not exceed the sum of twelve thousand six hundred and fifty dollars per annum. He shall also have power to employ a receiving and forwarding clerk and messenger, at a salary not exceeding eleven hundred dollars per annum, and to expend for the contingent expenses of his office a sum not exceeding one thousand five hundred dollars.

Fifth, of second auditor and his clerks.—The second auditor, the sum of one thousand seven hundred dollars, and the commissions allowed by law; for the clerks in his office, a sum not exceeding three thousand two hundred and eighty dollars per annum, as a compensation for their services, to be apportioned among them as he may deem proper; and for the contingent expenses of his office, a sum not exceeding two hundred dollars per annum.

Sixth, of treasurer and his clerks.—The treasurer, the sum of two thousand dollars, and commissions allowed by law; for the clerks in his office, the sum of five thousand dollars, which shall include the compensation of the funding clerk under the funding acts of eighteen hundred and eighty-two and eighteen hundred and ninety-two; and for the contingent expenses of his office, a sum not exceeding two hundred dollars.

Seventh, of superintendent of public printing and his clerk.—The superintendent of public printing, the sum of fifteen hundred dollars. He is authorized to employ a clerk at a salary of six hundred dollars per annum.

Eighth, of register of land office.—The register of the land office, who shall also be the superintendent of public buildings, and as such shall perform and discharge all the duties belonging thereto, as fixed and determined by law, the sum of eighteen hundred dollars, which shall be compensation for all his services; and all the fees of this office shall be turned into the treasury of the State. He is also authorized to expend for the contingent expenses of his office a sum not exceeding six hundred dollars per annum.

Ninth, of superintendent of penitentiary, surgeon, and assistant keepers, clerks, and matron.—The superintendent of the penitentiary, the sum of sixteen hundred dollars; the surgeon, one thousand dollars; the first assistant keeper, eight hundred and forty dollars; the remaining assistant keepers, each six hundred and sixty dollars; the clerk and assistant clerk, nine hundred each, and the matron, four hundred and eighty dollars.

Tenth, pay of directors of penitentiary.—The directors of the penitentiary, the sum of three dollars each for every day's attendance on the board: provided, that no director shall receive more than one hundred and fifty dollars per annum.

Eleventh, pay of guards, interior and exterior, at the penitentiary.—
a. The salary of guards at the penitentiary shall be fifty dollars per month. The said guards shall not exceed forty-nine in number, and shall not be paid when absent on furlough for more than ten days in any year, but substitute guards shall receive the same pay when employed as the regularly employed guards.

b. State farm.—Such guards as may be necessary at the State farm

shall be appointed by the superintendent thereof. Their compensation shall be twenty-five dollars per month and their board. There shall also be a surgeon for the State farm, whose compensation shall be at the rate of fifty dollars per month and board for himself and horse; and a superintendent, whose compensation shall be sixty dollars per month and board for himself, and who shall have charge of the cultivation of the farm, and shall perform such other duties as may be assigned him, all under the direction of the board of directors.

c. Annually hereafter each guard at the State farm shall have during the year fifteen days' vacation, without deduction of pay; said vacation to be on consecutive days, or at stated periods, in the discretion of the superintendent.

Twelfth, State corporation commission.—The members of the State corporation commission, each the sum of four thousand dollars; clerk of said commission, two thousand dollars; bailiff of said commission, nine hundred dollars, the said bailiff shall perform the duties of bailiff and such other duties as may be prescribed by the commission; first assistant clerk of the commission, fifteen hundred dollars; stenographer of the commission, who shall also perform such other clerical duties as may be assigned him by the commission, twelve hundred dollars; and for the incidental and contingent expenses of the commission, the sum of three thousand two hundred dollars, or so much thereof as may be necessary.

Until the organization of the State corporation commission, the salary of the commissioner of railroads is hereby continued at the rate of two thousand five hundred dollars per annum, and that of his clerk at the rate of two thousand dollars per annum, said sums to be paid in the manner provided by section thirteen hundred and twelve of the Code.

Thirteenth. Of commissioner of agriculture and immigration, and his clerk.—The commissioner of agriculture and immigration, the sum of two thousand dollars, which shall be in full for his services, but all fees of office and all fees accruing shall be paid into the treasury; his clerk, the sum of five hundred dollars per annum, which, with all other salaries and expenses of the bureau of agriculture, shall be paid from the fees and taxes collected on fertilizers, if sufficient for the purpose; if not, they shall be paid pro rata from said funds; but in no event shall any part of such salaries and expenses be paid out of the public treasury if in excess of such fees and taxes collected on fertilizers—should there be any excess from said taxes and fees on fertilizers, the same shall be appropriated as provided by law.

Fourteenth. Of superintendent of public instruction.—The superintendent of public instruction, the sum of two thousand dollars, and his necessary traveling expenses while engaged in the duties of his office, to be approved by the board of education, not to exceed in the aggregate five hundred dollars in any one year.

Fifteenth, of commissioner of labor.—The commissioner of labor, the sum of one thousand two hundred dollars; and for the purposes of his office, which shall include the amount allowed by the statute creating his office, one thousand seven hundred dollars.

Sixteenth, adjutant-general, salary of.—Adjutant-general (to be paid

out of the military fund), two thousand four hundred dollars, which shall include the salary now allowed by law.

Seventeenth, capitol and library, sub-offices.—Librarian, fifteen hundred dollars; conductor of the elevator, six hundred dollars; fireman for the elevator at the capitol, six hundred dollars; six capitol policemen (one of whom shall be clerk to the register of the land office), the sum of seven hundred and eighty dollars each; janitor of the capitol building, four hundred and eighty dollars; janitor of the galleries in the capitol building, three hundred and sixty dollars; engineer at library building, who shall also be charged with the duty of supervising and keeping in order the engines and boilers at the library building and in the capitol building, nine hundred dollars; night watchman at library building, seven hundred and twenty dollars; conductor of elevator at library building, six hundred dollars; policeman at library building, six hundred dollars; night watchman court of appeals, four hundred and eighty dollars; janitor and door-keeper at library building, three hundred and sixty dollars; janitor of library offices, three hundred and sixty dollars.

Eighteenth, commissioner, superintendents, other officers and employees of State hospitals for the insane.—The commissioner of State hospitals for the insane, the sum of two thousand dollars, and his necessary traveling expenses, not to exceed three hundred dollars per annum, while engaged in the duties of his office, to be approved by the general board of directors for the State hospitals: provided, however, that his whole time shall be devoted to the duties of his office. The superintendents and other officers and employees of the respective hospitals shall each annually receive a salary, to be paid out of the amounts appropriated to the institutions, respectively, as follows, to-wit: The superintendent of the Western, two thousand two hundred and fifty dollars; the superintendent of the Central, two thousand five hundred dollars; the superintendent of the Eastern, two thousand dollars; and the superintendent of the Southwestern, eighteen hundred dollars, and where they occupy buildings on the grounds or belonging to the respective institutions, they shall pay therefor such rental as may be fixed by the board of the respective institutions; the first and second assistant physicians shall each receive a salary not exceeding one thousand two hundred dollars per annum; the third assistant physician shall receive a salary not exceeding nine hundred dollars per annum: the stewards of the Western and Central asylums shall each have a salary not exceeding one thousand dollars; and the stewards of the Eastern and Southwestern asylums shall each receive a salary not exceeding eight hundred dollars per annum: the clerks shall receive a salary not exceeding seven hundred and fifty dollars per annum. Said clerks shall perform the duties of secretary to the boards of the respective institutions. The engineer shall receive a salary not exceeding seven hundred dollars per annum. The officers named in this sub-section shall, in addition to the salaries mentioned, receive their board and lodging at the respective hospitals, but they shall not receive any additional perquisites or emoluments.

IN THE LEGISLATIVE DEPARTMENT.

§ 184. First, salary of members and officers of the general assembly.—The president of the senate and speaker of the house of delegates, each

the sum of four hundred dollars, and the other members of the general assembly, each the sum of two hundred and forty dollars for attendance and services at each regular session of the general assembly; and at all extra sessions, the president of the senate and the speaker of the house of delegates, each two hundred and forty dollars, and the other members of the general assembly each the sum of one hundred and twenty dollars for attendance upon the duties of their respective houses; the said salaries to be paid in the following manner: To the president of the senate and the speaker of the house, each the sum of fifty dollars per week, and the other members of the general assembly each the sum of twenty-eight dollars per week, until their respective salaries are exhausted, or until the general assembly adjourns; at which time the whole amount of their salaries remaining unpaid, if any, shall then be paid. Any sick member, or one who shall have obtained leave of absence, shall receive such salary as is due him in the same manner as if he had been in his seat.

If during any session of the general assembly any member shall die, or otherwise vacate his seat, and his successor be elected, the personal representative of the deceased member shall receive the uncollected compensation up to the date of the death of said deceased member, and the successor of the said deceased member shall receive said per diem beginning from the date of his election; and members of legislative committees which may sit during any recess of the general assembly may receive compensation at the rate of four dollars per day for the time actually employed in the discharge of their duty.

Second, the members of the general assembly and officers and employees of each house thereof, and members of legislative committees which may sit during any recess of the general assembly, each shall receive as and for their mileage ten cents per mile for every mile of necessary travel to and from the place of meeting, to be computed according to the nearest mail route; provided, the president of the senate, the speaker of the house of delegates, and the members of this present general assembly shall receive the per diem provided by the Constitution.

Third, salaries of clerk of senate and house of delegates.—The clerk of the senate and the clerk of the house of delegates shall each receive the sum of ten dollars per day during the session of the general assembly, and for ten days preceding and sixty days succeeding each regular session, and thirty days succeeding each extra session; provided, however, that said clerks shall be paid at the rate of ten dollars per day from and after the first day of January, nineteen hundred and three, during the residue of the session of nineteen hundred and two and nineteen hundred and three, and for sixty days thereafter at like rate of ten dollars per day.

The office of the clerk of the house of delegates shall be kept open every day except Sundays and legal holidays; and the clerk of the house of delegates is hereby allowed for such purpose the further sum of two dollars per day for each day he, the said clerk of the house of delegates, does not draw the per diem of ten dollars hereinabove referred to.

Fourth, assistant clerks, journal and reading clerks, document clerk and librarian.—The assistant clerk of the senate and the assistant clerk of the house shall each receive the sum of four dollars and fifty cents per day during the sessions of the general assembly; the journal clerk and reading

clerk of the senate, and the journal clerk and reading clerk of the house shall each receive the sum of four dollars per day during the session of the general assembly; the document clerk and librarian of the senate shall receive the sum of two dollars per day, and keep his office open every day in the year except Sundays and legal holidays.

Fifth, pay of enrolling clerk.—An enrolling clerk, to be appointed by the clerk of the house of delegates, a sum not exceeding four dollars per day during the session of the general assembly.

Sixth, of committee clerks.—Clerks of the several standing committees (not to exceed six for the house of delegates and four for the senate), each the sum of four dollars per day, during the session of the general assembly, and without any additional compensation they shall perform the duties of clerks of any other committees in their respective houses, and any similar services that may be required of them.

Seventh, of sergeant-at-arms.—The sergeant-at-arms of the senate, and the sergeant-at-arms of the house of delegates, each the sum of four dollars per day during the session of the general assembly; and, in addition thereto, for taking any person into custody by order of their respective houses, two dollars; for each day such person is detained in custody, two dollars; and for the travel of such sergeant, or a messenger, under such order, eight cents per mile in going to the place of arrest; but no allowance shall be made for the arrest or custody of members who may be taken in the city of Richmond under a call of either house.

Eighth, of doorkeepers.—The doorkeepers of the two houses, each the sum of four dollars per day, during the session of the general assembly.

Ninth, pages.—Four pages, to be appointed in the senate, and six in the house, each the sum of two dollars per day during the sessions of the general assembly: provided, that during the residue of the session of the general assembly of nineteen hundred and two-three, the assistant clerks, journal and reading clerks, enrolling clerk, committee clerks, sergeant-at-arms, doorkeepers, and pages, as hereinbefore set forth, of the house of delegates and senate, shall each receive their respective per diem compensation, as prescribed in this act, for the time when the general assembly is actually in session, including Sundays and recesses of not exceeding five days. But provided further, that, except as to the officers and employees of the house of delegates and senate named in the last preceding sentence, and as to them only during the residue of the said session of nineteen hundred and two-three, the words "during the session of the general assembly" wherever they occur in paragraphs third, fourth, fifth, sixth, seventh, eighth, and ninth of section one hundred and eighty-four of the Code of Virginia, as amended by this act, shall be construed in conformity with section sixty-six of the Constitution of Virginia.

IN THE JUDICIARY DEPARTMENT.

§ 185. First, salaries of judges of court of appeals.—The president of the supreme court of appeals, the sum of four thousand two hundred dollars, and the other judges of the said court, each the sum of four thousand dollars.

Second, of clerks, reporter and stenographer.—The clerk of the court of appeals at Richmond, the sum of five hundred dollars, and the clerks of

said court at Staunton and Wytheville, each the sum of three hundred and twenty dollars, and the clerk of the circuit court of the city of Richmond, the sum of four hundred dollars; the reporter and the stenographer to the court of appeals, one thousand two hundred dollars each.

Third, of judges of circuit courts.—The twenty-four judges of the circuit courts, the sum of two thousand five hundred dollars each: provided, however, that the judge of the circuit court of the city of Richmond shall receive the sum of three thousand five hundred dollars. The whole of which said salaries of said judges shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective counties and cities composing the circuit, according to their respective population, except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond; and it is hereby made the duty of the auditor of public accounts—

“On or before the first day of June, of the year nineteen hundred and three, and of each year thereafter, to apportion between the counties and cities composing each judicial circuit the salary of the judge thereof for the year beginning the first day of February of the succeeding year, according to the respective population of said counties and cities as shown by the last preceding census taken under authority of the United States, and transmit a statement of such apportionment to the clerk of the board of supervisors of each county and the clerk of the council of each city composing the judicial circuit, and to the treasurer of each of said counties and cities.

“It shall be the duty of the board of supervisors of each county and the council of each city to provide funds for the payment of so much of said salary as said statement shows to have been apportioned to its county or city; but it is hereby made the duty of the treasurer of such county or city to pay the same into the treasury of the State on or before the first day of December each year, out of any funds of his county or city in his hands, and to this end he shall retain of said funds collected by him a sum sufficient to pay such portion of said salary, and said apportionment shall be the first and superior charge against said funds.

“Any treasurer failing to make such payment within the time prescribed therefor shall be liable to the Commonwealth on his official bond for the part of such salary apportioned to his county or city, and a penalty thereon of ten per centum.

“The salaries of the circuit judges now in office shall remain unchanged until the first day of February, nineteen hundred and four, and to be paid as now provided by law.”

Fourth, mileage.—The judges of the supreme court of appeals and of the circuit courts shall each be entitled to mileage not to exceed ten cents per mile for all necessary travel by the nearest practicable route of travel in use to and from their respective courts.

Fifth, salaries of county court judges until the first day of February, nineteen hundred and four.—The county court judges, each at the rate of two hundred and eighty dollars, and an additional compensation of twenty dollars for every thousand inhabitants over ten thousand, to be determined by reference to the census of nineteen hundred, and in such computation

any fraction of a thousand population shall not be counted unless said fraction shall exceed five hundred, in which case it shall be counted as one thousand. Such sum and additional compensation shall be a charge on the county, and be levied, collected, and accounted for in the same manner that other county expenses are, but shall be paid in quarterly instalments whenever there are funds in the county treasury out of which the same may be paid. When the same person is judge of more than one county, each county in the district shall pay in proportion to the inhabitants thereof, and the mileage allowed by law shall be a charge equally upon the counties of the district; and in estimating the population of any county under this section, there shall not be taken into the estimate any portion of the population in the corporate limits of any city: provided, however, that until the said first day of February, nineteen hundred and four, the present salaries of the county court judges, respectively, shall remain unchanged; said salaries to be paid as now provided by law.

Sixth, judges of the city courts of the cities of the first class.—The judges of the city courts of cities of the first class the following sums, respectively: The judge of the chancery court of the city of Richmond, the judge of the law and equity court of the city of Richmond, the judge of the hustings court of the city of Richmond, the judge of the law and chancery court of the city of Norfolk, and the judge of the corporation court of the city of Norfolk, the sum of three thousand five hundred dollars each; the judge of the corporation or hustings court of the city of Petersburg, the judge of the corporation or hustings court of the city of Lynchburg, the judge of the corporation or hustings court of the city of Roanoke, the judge of the corporation or hustings court of the city of Danville, and the judge of the corporation or hustings court of the city of Newport News, the sum of two thousand five hundred dollars each; the judge of the corporation or hustings court of the city of Alexandria, the judge of the corporation or hustings court of the city of Portsmouth, and the judge of the corporation or hustings court of the city of Manchester, the sum of two thousand dollars each. The whole of said salaries of said judges shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective cities; and it is hereby made the duty of the auditor of public accounts—

“On or before the first day of June, of the year nineteen hundred and three, and of each year thereafter, to apportion the salary of each of said judges, respectively, between the State of Virginia and the cities above named, respectively, in accordance with the provisions of section one hundred and three of the Constitution of Virginia—that is to say, one-half of said salary of each of said judges to be paid by the State of Virginia, and the other half by the city, and to transmit a statement of such apportionment to the clerks of the councils of said cities, respectively, and to the treasurers of said cities, respectively.

“It shall be the duty of the council of said city to provide funds for the payment of so much of said salary as said statement shows to have been apportioned to its city; but it is hereby made the duty of the treasurer of such city to pay the same into the treasury of the State on or before the first day of December each year out of any funds of his city in his hands; and to this end he shall retain of said funds collected by him a sum

sufficient to pay such portion of said salary, and said apportionment shall be the first and superior charge against said funds.

"Any treasurer failing to make such payment within the time above prescribed therefor shall be liable to the Commonwealth on his official bond for the part of such salary apportioned to his city as aforesaid, and a penalty thereon of ten per centum.

"The salaries of the judges of the city courts above named, now in office, shall remain unchanged until the first day of February, nineteen hundred and four, and to be paid as now provided by law."

§ 186. Increase of salaries of judges.—Any city may, by an ordinance, increase the salaries of its city or circuit court judges, or any one or more of them, as it may deem proper, but the increase shall be paid wholly by the city. Said increase, however, shall not be enlarged or diminished during the term of office.

§ 187. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

§ 188. How salaries and mileage paid.—The salaries and other allowances and mileage mentioned in this chapter shall, except where it is otherwise specially provided, be paid out of the State treasury, after being duly audited; such salaries in monthly instalments, and other allowances and mileage when the services and travel shall have been performed; but members of the general assembly and others traveling to the seat of government, who would be entitled to mileage for traveling home, may receive such mileage before going home.

§ 189. Rate of mileage.—Mileage (unless otherwise provided) shall be at the rate of ten cents per mile for every mile of necessary travel.

§ 190. Distances between Richmond and the courthouse of counties and certain cities.—The distance between any points shall be computed according to the nearest mail route in use at the time such mileage shall be claimed. The following shall be computed as the number of miles between the city of Richmond and the respective courthouses of the following counties: Accomac, one hundred and seventy-seven; Albemarle, ninety-seven; Alexandria, one hundred and nine; Alleghany, two hundred and five; Amelia, thirty-six; Amherst, one hundred and forty-five; Augusta, one hundred and thirty-six; Appomattox, one hundred and twenty-four; Bath, two hundred and thirty-five; Bedford, one hundred and seventy-two; Bland, three hundred; Botetourt, two hundred and twelve; Brunswick, eighty-six; Buchanan, three hundred and seventy-seven; Buckingham, eighty-four; Campbell, one hundred and thirty-nine; Caroline, forty-four; Carroll, two hundred and ninety-nine; Charles City, thirty; Charlotte, eighty-six; Chesterfield, fourteen; Clarke, two hundred and eleven; Craig, two hundred and thirty-nine; Culpeper, one hundred; Cumberland, fifty-five; Dickenson, four hundred and twenty-five; Dinwiddie, forty; Elizabeth City, eighty-two; Essex, seventy; Fairfax, one hundred and twenty-nine; Fauquier, one hundred and thirty-three; Fluvanna, seventy; Floyd, two hundred and fifty-two; Franklin, two hundred and six; Frederick, two hundred and three; Giles, two hundred and seventy-two; Gloucester, eighty; Greene, one hundred and ten; Goochland, twenty-eight; Grayson, three hundred and six; Greenville, sixty-three; Halifax, one hundred and fourteen; Hanover, twenty; Henry, one hundred and

eighty-three; Highland, one hundred and eighty-two; Isle of Wight, ninety; James City, forty-eight; King and Queen, forty; King George, eighty-three; King William, thirty-six; Lancaster, one hundred and forty-nine; Lee, four hundred and sixty; Loudoun, one hundred and fifty; Louisa, sixty-two; Lunenburg, seventy-five; Madison, one hundred and six; Mathews, one hundred and nineteen; Middlesex, eighty-three; Mecklenburg, ninety-nine; Montgomery, two hundred and thirty-two; Nansemond, eighty-one; Nelson, one hundred and thirty-one; New Kent, thirty; Norfolk, ninety-one; Northampton, one hundred and forty-six; Northumberland, one hundred and sixty-one; Nottoway, sixty-six; Orange, eighty-five; Page, one hundred and seventy-nine; Patrick, two hundred and sixteen; Pittsylvania, one hundred and sixty; Powhatan, thirty-two; Prince Edward, ninety-two; Princess Anne, one hundred and six; Prince George, thirty; Prince William, one hundred and thirty-five; Pulaski, two hundred and fifty-nine; Rappahannock, one hundred and twenty-five; Richmond, one hundred and twelve; Roanoke, two hundred and six; Rockbridge, one hundred and seventy-two; Rockingham, one hundred and sixty-two; Russell, three hundred and seventy-nine; Scott, three hundred and eighty-three; Shenandoah, two hundred and eight; Smyth, three hundred and six; Southampton, ninety-two; Spotsylvania, seventy; Stafford, seventy-three; Surry, sixty-seven; Sussex, fifty; Tazewell, three hundred and twenty-six; Warren, one hundred and eighty-six; Warwick, seventy; Washington, three hundred and thirty-seven; Westmoreland, one hundred and twelve; Wise, four hundred and seventeen; Wythe, two hundred and sixty-nine; York, sixty-three. And the following shall be computed as the number of miles between the city of Richmond and the respective courthouses of the following corporations: Norfolk, ninety-one; Portsmouth, ninety-one; Petersburg, twenty-three; Williamsburg, forty; Lynchburg, one hundred and forty-seven; Danville, one hundred and forty-one; Alexandria, one hundred and nine; Roanoke city, one hundred and ninety-nine; Radford, two hundred and forty-three; Newport News, seventy-five; Bristol, three hundred and fifty-one.

§ 191. How ascertained from place other than courthouse.—The distance of the city of Richmond from any place in any county or corporation other than the courthouse thereof, shall be ascertained by adding to or deducting from the number of miles between the city of Richmond and such courthouse, as declared by this or any future law, so many miles as such place may be farther from or nearer to said city than such courthouse may be.

§ 192. Liability of salary of officer for debt he owes the State; how enforced.—Whenever any officer is indebted to the State for money collected by him, or improperly drawn by him or upon his order from the public treasury during his term of office, and, after payment of such indebtedness is demanded by the auditor of public accounts, such officer continues in default, the said auditor shall not issue his warrant for, nor shall the treasurer pay any part of the salary due, or to become due, to such officer until he shall have made good his default. He may, however, file his petition in the circuit court of the city of Richmond against the auditor, asserting his claim to his salary, and praying for payment thereof. The auditor shall make answer to the petition, and thereupon the proceed-

ings shall be according to the provisions of chapter thirty-two. If it be found that the petitioner is indebted as aforesaid, the State shall be credited on his salary then due with the amount of said indebtedness, and if, after such credit is thus given, there is a balance in his favor, judgment therefor shall be rendered in his behalf; and if the indebtedness exceed his salary then due, judgment for the excess shall be rendered against him, and the amount thereof, unless sooner paid, shall be credited to the State on his salary thereafter becoming due. The auditor shall issue his warrant on the treasurer for the payment of any judgment thus rendered in behalf of the petitioner. In the proceeding by petition the attorney-general shall represent the State, unless he be interested; and if he be interested, the auditor shall employ other counsel to represent the State in the case.

§ 193. When officer's right to sue for salary barred.—If such officer fail to file a petition under the preceding section within twelve months after payment of any instalment of his salary is withheld as aforesaid, his right to file the same shall be barred; and in such case the auditor shall credit the State on the officer's salary with the amount of his indebtedness, and make that fact appear on the books of his office.

2. All acts, and parts of acts, in conflict or inconsistent with this act, or any part thereof, are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 63.—An ACT to provide for the payment of certain officers and employees of the senate and house of delegates between the 1st day of January, 1903, and the 6th day of February, 1903, inclusive.

Approved February 12, 1903.

Whereas, no provision has been made for the compensation of the following named officers and employees of the senate and house of delegates between the first day of January, nineteen hundred and three, and the sixth day of February, nineteen hundred and three, both inclusive:

1. Now, therefore, be it enacted by the general assembly of Virginia, That the clerk of the senate be, and he is hereby, authorized to draw his warrant upon the auditor of public accounts in favor of the officers and employees of the senate of Virginia next hereinafter named for the amounts set opposite their names, respectively, to-wit: T. A. Lynch, first assistant clerk, four dollars and fifty cents per day for thirty-seven days—one hundred and sixty-six dollars and fifty cents; H. C. Mann, journal clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; O. W. Stone, reading clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; G. H. Williams, committee clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; G. F. Mattern, committee clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; Hurt Jordan, committee clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; O. V. Hanger, committee clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; J. P.

Machen, committee clerk, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; J. E. Henley, clerk to joint committee on special private and local legislation, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; F. B. Watkins, sergeant-at-arms, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; S. M. Donald, doorkeeper, four dollars per day for thirty-seven days—one hundred and forty-eight dollars; William Wilson, document clerk and librarian, two dollars per day for thirty-seven days—seventy-four dollars; Joseph W. Parkinson, page, two dollars per day for thirty-seven days—seventy-four dollars; Burwell W. Seay, page, two dollars per day for thirty-seven days—seventy-four dollars; William G. Ridley, page, two dollars per day for thirty-seven days—seventy-four dollars; Frank Burton, page, two dollars per day for thirty-seven days—seventy-four dollars; Emmett B. Faison, page, two dollars per day for thirty-seven days—seventy-four dollars.

And in like manner that the clerk of the house of delegates be, and he is hereby, authorized to draw his warrant upon the auditor of public accounts in favor of the officers and employees of the house of delegates of Virginia hereinafter named for the amounts set opposite their names, respectively, to-wit: Thomas H. Bigger, assistant clerk, thirty-seven days, four dollars and fifty cents per day—one hundred and sixty-six dollars and fifty cents; George Lindsay, journal clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; H. B. Owen, reading clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; W. S. Gooch, enrolling clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; J. T. Loving, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; J. N. Brenaman, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; B. C. Banks, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; J. W. Burger, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; J. J. Burke, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; George Kefauver, committee clerk, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; J. M. Johnston, sergeant-at-arms, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; A. O. Sullivan, doorkeeper, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; P. E. Lipscomb, doorkeeper, thirty-seven days, four dollars per day—one hundred and forty-eight dollars; Norvell Atkinson, page, thirty-seven days, two dollars per day—seventy-four dollars; Roy Horton, page, thirty-seven days, two dollars per day—seventy-four dollars; John Pettis, page, thirty-seven days, two dollars per day—seventy-four dollars; Jack Moss, page, thirty-seven days, two dollars per day—seventy-four dollars; John Nolan, page, thirty-seven days, two dollars per day—seventy-four dollars; Arthur Mankin, page, thirty-seven days, two dollars per day—seventy-four dollars; Ashby Johnston, page, thirty-seven days, two dollars per day—seventy-four dollars; Willie Herndon, page, thirty-seven days, two dollars per day—seventy-four dollars; Lewis Wrenn, cloak room page, thirty-seven days, two dollars per day—seventy-four dollars.

Said warrants of said clerks of the senate and house of delegates, respectively, to express upon their face that said amount named therein is accepted and received by the officer or employee named therein in full payment of any and all claims whatsoever as such officer or employee upon the Commonwealth of Virginia up to and including the sixth day of February, nineteen hundred and three.

2. A sum sufficient for the above purpose is hereby appropriated out of any money in the treasury not otherwise appropriated.

3. This act shall be in force from its passage.

CHAP. 64.—An ACT to prohibit the auditor of public accounts from paying to certain officers and employees of the general assembly any warrant for compensation from the time between the 28th of July, 1902, and 12th of November, 1902.

Approved February 12, 1903.

Whereas, the true intent and meaning of an act approved July twenty-fifth, nineteen hundred and two, entitled "an act providing for the compensation and mileage of members, committees, officers, and employees of the general assembly, and for the payment of the same," is that the compensation of the assistant clerks, enrolling clerks, journal and reading clerks, committee clerks, sergeants-at-arms, doorkeepers, pages, and other employees of the senate and house of delegates, should be paid only for the days of actual service, and not for the period included in the recess from July twenty-eighth to November twelfth, nineteen hundred and two; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, instructed and directed not to pay any warrant to any such clerk, officer, or employee for compensation during such recess.

2. This act shall be in force from its passage.

CHAP. 65.—An ACT to amend and re-enact chapter 402 of the acts of assembly, session 1901-'2, entitled an act to protect sheep and other stock in the counties of this State, approved March 29, 1902, and to amend the title thereof so as to provide for imposing a license tax on dogs.

Approved February 12, 1903.

1. Be it enacted by the general assembly of Virginia, That the act of the general assembly of Virginia, entitled an act to protect sheep and other stock in the counties of this State, approved March twenty-ninth, nineteen hundred and two, and the title of said act, so as to provide for imposing a license tax on dogs, be amended and re-enacted so as to read as follows:

Chapter 402. An act to impose a license tax on dogs for the protection of sheep and other stock in this State.

§ 1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the commissioners of the revenue in the counties of this State

to take annually, at the time of listing the taxable property therein, a list of all dogs over three months old, showing whether male or female, with the name of the owner or person in whose possession the same is found, upon the oath or affirmation of the owner or housekeeper or head of the family with whom, or on lot or premises occupied by him, any dog or dogs may be found, as to the number of dogs such person may own or have, or as may be on the lot or premises occupied by him, whether owned by him (or her) or not; and should the commissioner fail or omit to list a dog, it shall be his duty to make a note of it on his books for the next fiscal year, and the owner of said dog shall be chargeable with said tax in addition to any tax he shall then owe; and shall return such lists of dogs to the clerk's office of their respective counties at the time when they return their lists of taxable property. In addition to the fines and penalties and forfeitures as are now incurred by them for neglect of similar duties under existing law, the commissioner shall be liable to a fine or forfeiture of fifty cents for every wilful or negligent failure to list any dog. The fees for the commissioner of the revenue shall be five cents for each dog listed by him, to be paid out of the funds derived from the license tax on dogs upon the order of the board of supervisors.

§ 2. That in every case where the owner of the dog fails to pay, by the first day of July next succeeding the return of said lists, the license tax provided for in the third section of this act, it shall be the duty of the constable of the district in which said delinquent resides, or, if there be no constable serving in said district, then it shall be the duty of the sheriff, or a deputy sheriff of the county in which the delinquent resides, to kill said dog, for which he shall receive a fee of fifty cents out of the funds hereinafter provided, and to that end the said constable, sheriff, or deputy sheriff, shall obtain annually during the month of July from the county treasurer a list of all delinquents under this act in his district, and shall, within thirty days after receiving such list, kill said dogs, unless the tax on them, together with a fee of twenty-five cents, to said constable, sheriff, or deputy sheriff, is forthwith paid, and on his wilful or negligent failure to do so, when practicable, he shall pay a fine of five dollars for each dog he so fails to kill. The constable, or sheriff, or deputy sheriff shall, at the expiration of the thirty days, account to the treasurer of his county for all taxes collected by him under this section.

§ 3. That when said commissioners of the revenue shall have ascertained the number of dogs, they shall assess a license tax of fifty cents per head on all male dogs and all spayed female dogs, and one dollar per head on all unspayed female dogs, and the said sums so assessed shall be collected and accounted for by the county treasurer as county levies are by law directed to be collected and accounted for, and the treasurer shall keep a separate account of the fund arising from said tax. The said fund shall be, and the same is hereby, appropriated for remunerating the inhabitants of said counties for any loss they may sustain from dogs killing or crippling their sheep, lambs, or any other stock, and for paying for the expenses necessary to carry this act into effect; and any balance remaining on hand for any year shall be appropriated to the county school fund of public schools, or to the public road fund, as the board of supervisors

may determine, to be used in accordance with the laws governing the disposition of such funds.

§ 4. If it be found that the fund arising from this act for any year shall be insufficient to pay expenses incident to execution of this law, and then to pay the whole amount of damages inflicted by dogs on the owners of sheep, lambs, or other stock property in any of said counties, each sufferer shall be paid out of said fund in proportion to the loss sustained.

§ 5. That it shall be the duty of the board of supervisors of said counties to hear the application of the owner of sheep, lambs, or other stock, or his agent, which have been killed or wounded by dogs (not his own) after the passage of this act. The said owner or his agent shall file in writing, under oath, a full description of the sheep, lambs, or stock so killed or wounded, their real and their assessed value, and all the facts as to how, when, and where they were killed and wounded. And said owner or agent shall produce such additional proof before the said board of supervisors as they may require to satisfy them of the justice of the claim. Upon such proof the board of supervisors shall enter upon their book an allowance of said damages, and in no case to exceed the assessed value of such sheep, lambs, or stock; and when said sheep, lambs, or other stock were not in the possession of said owner at the time of the assessment, the damages shall be the assessed value of sheep, lambs, and other stock of like grade and quality in the community.

§ 6. All payments made by the treasurer out of funds created by this act shall be on the order of the board of supervisors, certified by the clerk of said board.

§ 7. The treasurer shall annually, at the yearly meeting of the board of supervisors, make a statement to said board of his receipts and disbursements of this fund, and said board shall then order the payment of the damages allowed by them, or such part thereof as they may be able to pay out of said fund, and all payments out of said fund shall be made within sixty days after said yearly meeting; at the expiration of said sixty days the said treasurers shall make a final settlement of this fund with the said board of supervisors, and said settlement shall be recorded by the clerk of the county.

§ 8. The fees of officers employed in the execution of this act shall be similar to those received for like service, and when none are prescribed by law, the board of supervisors shall make such compensation as they may deem right, all of which shall be paid out of such fund.

§ 9. This act shall not affect sections four hundred and ninety-nine, five hundred, twenty-one hundred and ninety-two, twenty-one hundred and ninety-three, twenty-two hundred and three, and thirty-seven hundred and eleven of the Code of eighteen hundred and eighty-seven.

§ 10. All dogs in this State which have been assessed with a license tax pursuant to this act, and upon which the said license is not delinquent, shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass.

§ 11. All acts, and parts of acts, in conflict herewith are hereby repealed.

§ 12. Provided, however, the provisions of this act shall not apply to any incorporated city or town of this State now or hereafter having a municipal dog tax law, or to any county having a special dog tax law;

provided, further, that the repeal of any special dog tax law of any county or town in this State now having such special law shall operate to place such county or town under the provisions of this act, with power in the board of supervisors of such county to adjust claims against said county or town under the said special law out of the funds derived from the operations of this act; and the boards of supervisors of the counties, and the councils of the town where there is a special law imposing taxes on dogs, may, by a vote of a majority of the members elected thereto, repeal and set aside such special law, and when so repealed and set aside the provisions of this act shall apply to such counties and towns.

2. This act shall be in force from its passage.

CHAP. 66.—An ACT to amend and re-enact section 11 of an act entitled an act to incorporate the town of Franklin, Southampton county, Virginia, approved March 15, 1876, as amended by an act approved December 19, 1891, and to amend and re-enact section 17 of the charter of the said town, as amended by an act approved February 19, 1890, and to create a sinking fund.

Approved February 17, 1903.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled "an act to incorporate the town of Franklin, Southampton county, Virginia," approved March fifteen, eighteen hundred and seventy-six, as amended by an act approved December nineteen, eighteen hundred and ninety-one, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 11. The said council shall have power to levy such taxes as they may deem necessary for the purposes of the said town: provided, that all taxes upon the real and personal property in the said town for town purposes shall not exceed the amount of sixty-five cents per annum upon the one hundred dollars assessed value thereof.

2. Be it further enacted, That section seventeen of the charter of the said town, as enacted by act approved February nineteen, eighteen hundred and ninety, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 17. The council of the said town shall have power to borrow money from time to time to an amount not exceeding in the aggregate fifteen thousand dollars, and for this purpose they may issue, or cause to be issued, bonds of the town in such amounts as they may deem expedient, bearing interest at such rate per annum, not exceeding six per centum per annum, as they may deem best, which interest may be payable annually or semi-annually, as they may prefer; and such bonds shall be payable at such time or times, not exceeding twenty years from their date, as said council may prescribe; and they may be sold by said council at not less than par value, and, in the discretion of the council, may contain a provision permitting the town at any time after five years from their date, and before the maturity of said bonds, to redeem and pay any of them by paying, on any date at which the interest falls due, the principal and accrued interest and five per centum premium on the par value of the said bonds. Said bonds shall not be taxable by the said town.

3. Be it further enacted, That there shall be set apart annually, from the accruing revenues of the town, a sum at least one per centum of the town debt now existing, or as hereafter created. The fund thus set apart shall be called a sinking fund, and shall be applied to the payment or redemption of the principal of the town debt. If no part of said debt be redeemable, then the committee, or town officials having charge of said sinking fund under the authority of the town council, shall invest the funds of the sinking fund, when sufficiently large, in bonds of the State of Virginia or of the United States, and apply the proceeds of said bonds to the payment of the town debt as it shall become redeemable in accordance with the provisions of section two. Such committee or town officials shall make to the town council semi-annually detailed statements of all the transactions of the said committee or town officials, setting forth the amount and character of their assets, investments, transfers, issues, exchanges, or other business of whatever character, including the statement of what, if any, be due by the town.

4. This act shall be in force from its passage.

CHAP. 67.—An ACT to provide for the prosecution of criminal cases removed from the State to the Federal courts under section 643 of the revised statutes of the United States, and for the payment of the costs thereof.

Approved February 19, 1903.

Whereas, under section six hundred and forty-three of the revised statutes of the United States, any officer, or the employee of any officer, engaged in executing the revenue laws of the United States, who may be indicted for any crime committed under the laws of Virginia, may, upon his petition, authenticated by affidavit and certificate of counsel, alleging that the act for which he was indicted was done by him in the performance of a duty devolved upon him under said revenue laws, or under color of authority thereof, or under color or claim of authority thereunder, have such case removed to the United States circuit court for the district in which such indictment was found; and,

Whereas, in a number of cases parties charged with crime under the laws of Virginia, proceeding under said act of congress, have had cases against them removed into such United States court; and,

Whereas, no provision has been made for prosecuting such offenses in the United States courts or paying the costs thereof; therefore,

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the attorney for the Commonwealth for the county or city in which any such indictment is found to prosecute any such case in the United States circuit court to which the same shall be so removed, and that for his services in this behalf he shall be paid a fee of fifty dollars for each case tried by him in such United States circuit court, and mileage at the rate now allowed by law to the members of the general assembly for all necessary travel in going to and returning from such court, to be paid on his account when approved by the attorney-general.

2. A per diem of one dollar and fifty cents for each day of actual attendance upon such United States circuit court and mileage of five cents a mile for every mile of necessary travel in going to and returning from such court shall be paid out of the treasury to each witness for the Commonwealth in every such case upon accounts therefor against the Commonwealth, certified by the attorney for the Commonwealth prosecuting such case and approved by the attorney-general.

3. It shall not be the duty of the attorney-general to appear for the Commonwealth in such cases unless he can do so without interfering with the efficient discharge of the duties imposed upon him by law; but he may appear with the attorney for the Commonwealth prosecuting such case in any case when the interests of the Commonwealth may in his judgment require his presence.

4. The auditor of public accounts shall from time to time draw his warrants upon the treasury in favor of the parties entitled to be paid the above compensation and expenses, or their assigns, upon bills certified and approved as above prescribed.

5. This act shall be in force from its passage.

CHAP. 68.—An ACT to provide for the payment of contingent and incidental expenses of the general assembly, and to appropriate money for the same.

Approved February 20, 1903.

Whereas, there are certain contingent and incidental expenses of the general assembly which cannot be provided for specifically, and which must be paid; and,

Whereas, there has been no appropriation made to meet the same; and,

Whereas, section one hundred and eighty-six of the Constitution provides that no money shall be paid out of the State treasury except in pursuance of appropriations made by law, and section fifty of the Constitution provides that no law shall be enacted except by bill; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer of the State for such amounts as may be required for such contingent and incidental expenses as may be provided for by resolution either of the senate or house of delegates.

2. It is hereby made the duty of the clerk of the senate and the clerk of the house of delegates, respectively, to keep an itemized account and statement, giving the name of each person receiving any money on account of any contingent or incidental expense authorized under any and all resolution or resolutions as may be hereafter adopted by their respective houses in reference to any contingent and incidental expense thereof; said itemized account and statement shall show also for what service or account, and have a reference to the resolution authorizing the same, and shall be appended to the end of the journal of their respective houses and published therewith as document "A."

3. It is hereby made the duty of the auditor of public accounts to keep a separate account of the contingent and incidental expenses of the senate

and house of delegates of Virginia, respectively, as authorized by resolution as aforesaid, showing the amount expended under each resolution, and to include the same in his annual report to the governor and general assembly of Virginia.

4. To pay the expenses above referred to, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of four thousand dollars, one-half of which shall be set apart for the use of the senate, and the other half for the use of the house of delegates.

5. This act shall be in force from its passage.

CHAP. 69.—An ACT to amend sections 2864, 2865, 2871, as amended, and section 2875 of the Code of Virginia in relation to limited partnerships.

Approved February 21, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and sixty-four, section twenty-eight hundred and sixty-five, section twenty-eight hundred and seventy-one (as that section is amended by the act of February twenty-ninth, eighteen hundred and eighty-eight), and section twenty-eight hundred and seventy-five of the Code of Virginia, concerning limited partnerships, be, and the same are hereby, amended so as to read as follows:

§ 2864. Of whom to consist; liability of general and special partners.—Any such partnership may consist of one or more persons as general partners, who shall be responsible as general partners now are, and of one or more persons as special partners, who, contributing to the common stock as capital a sum in cash or other property at cash value, shall not be personally liable for any debts of the partnership except as hereinafter mentioned.

§ 2865. What paper to be made and signed; what oath to be made by general partners.—The persons forming any such partnership shall make and severally sign a paper, which shall state the name and place of residence of each partner, the name or firm name under which the partnership is to be conducted, who are general and who are special partners, the sum which each special partner contributes, and whether such contribution is made in cash or in other property at cash value, or to what extent in each, the general nature of the business to be transacted, the place or places of said business, the duration of the partnership; and if the partnership is to be dissolved by the death of the special partners or any one or more of them before the expiration of the period named for its duration, it must be expressly so stated in said paper. One or more of the general partners shall also make oath that each sum so stated to be contributed has been actually contributed in the form set forth in said paper.

§ 2871. How the business to be conducted, et cetera.—The names of the partners, with a designation of which are general and which are special partners, shall appear conspicuously upon the front of the place or places of business of the partnership; but the business of the partnership may be conducted under such name, style or firm name as the partners may choose to adopt, which, however, shall not contain therein the names of the

special partners or of any one of them. If, however, the partnership is a successor to an old business, it may advertise itself as such successor, although the style or name under which such old business was conducted contains in it the names of the special partners or of some one or more of them. The general partners only shall be authorized to make a contract (with others than the partners) respecting the concerns of the partnership or to transact its business. If such partnership fail to comply with the preceding provisions of this section, or if the name of any special partner be used with this privity in connection with any firm contract, or if he transact business for the partnership as agent or otherwise, he shall be liable as a general partner: provided, however, that any special partner or any other firm or association of which he is a member may, without thereby making the partnership general or such special partner liable as a general partner, sell goods or other property to, lend money to, and advance and pay money for the partnership in which he is a special partner, and may take and hold the notes, drafts, acceptances and bonds of, or belonging to, the partnership as security for the payment of such goods or other property, moneys and interest, and may endorse or otherwise become security for the partnership in any business thereof, and shall have the same rights and remedies in these respects as any other creditor of the partnership might have; nor shall this section prevent any special partner from examining into the state of the business and advising as to its management.

§ 2875. Dissolution of partnership; how effected by act of the parties; when death of special partner operates as.—A limited partnership shall be subject to dissolution in the same manner and for like causes as a general partnership, except that the death of the special partners or any one or more of them before the expiration of the period fixed for the duration of the partnership shall not work a dissolution of the partnership unless it is expressly so stated in the paper required by section twenty-eight hundred and sixty-five. Nor shall any dissolution of the partnership take place by the act of the parties before the time specified in the paper stating its formation, renewal, or continuance, unless and until a notice of such dissolution be published once a week for four successive weeks in a newspaper (if such there be) printed in each of the counties and corporations in which the place or places of business of the partnership may have been; or if no newspaper be published in any such county or corporation, the notice shall be posted for four successive weeks at the front door of the courthouse of each of said counties and corporations: nor unless and until such notice or a copy thereof be admitted to record in the counties and corporations in which the paper mentioned in sections twenty-eight hundred and sixty-five and twenty-eight hundred and sixty-six is directed to be recorded. Such recordation shall be in the book provided for by said section twenty-eight hundred and sixty-six, and shall be indexed in the name of the partnership.

2. This act shall be in force from its passage.

CHAP. 70.—An ACT to amend and re-enact section 1022 of the Code of Virginia in relation to registrars and judges of election for the towns of this State.

Approved March 2, 1903.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and twenty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1022. Appointment of registrars and judges of election.—The electoral board of the county within which such town, or the greater part thereof, is situated shall, not less than fifteen days before any town election therein, appoint one registrar and three judges of election for every precinct in said town, who shall also act as commissioners of election. The said registrar shall, before any election in said town, register all voters who are residents of such town, and who shall have previously registered as voters in the county, or in either of the counties in which said town is situated, and whose names are not already on the registration list for said town under the laws in force on or after July tenth, nineteen hundred and two, and none others. The said registrar shall be governed, as to his qualifications and powers, and in the performance of his duties, by the general laws of this Commonwealth, so far as the same may be applicable.

2. This act shall be in force from its passage.

CHAP. 71.—An ACT appropriating the sum of five thousand dollars to the Virginia School for the Deaf and the Blind to meet current expenses.

Approved March 3, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of five thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the Virginia School for the Deaf and the Blind, for the purpose of enabling said institution to pay a debt of three thousand eight hundred dollars now due and owing by said institution, and to enable same to meet current expenses for the year ending September thirtieth, nineteen hundred and three.

And the auditor of public accounts is hereby directed to draw the proper warrant on the treasurer of the State in favor of said institution for said amount.

2. This act shall be in force from its passage.

CHAP. 72.—An ACT appropriating the sum of \$16,302.46 to be used to meet the deficit in the appropriation for the benefit of the Western State Hospital.

Approved March 3, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of sixteen thousand three hundred and two dollars and forty-six cents be, and the same is hereby, appropriated out of the funds of the treasury not

otherwise appropriated, to be drawn upon the warrant of the president of the board of directors of the Western State Hospital, to be used and expended for the purpose of meeting the deficit in the appropriation for the benefit of the said State hospital.

2. This act shall be in force from its passage.

CHAP. 73.—An ACT to provide for the payment of the cost and expenses of prosecuting a certain criminal case removed from the county court of Patrick county, and of a certain criminal case removed from the county court of Wythe county, to the circuit court of the United States for the Western district of Virginia, under section 643 of the revised statutes of the United States.

Approved March 3, 1903.

Whereas, A. H. Staples and others were indicted in the county court of Patrick county for murder, and T. L. Felts was indicted in the county court of Wythe county for murder; and,

Whereas, both of said indictments, on the petitions of the defendants, were removed for trial to the circuit court of the United States for the Western district of Virginia, under the provisions of section six hundred and forty-three of the revised statutes of the United States; and,

Whereas, J. M. Hooker, attorney, and H. M. Heuser, attorney, rendered certain services and incurred certain expenses in the prosecution of said cases in the said circuit court of the United States at the request of the attorney-general; and,

Whereas, there is no provision of law for the payment of said services and expenses, or for the payment of the attendance of witnesses necessary for the protection of the interests of the Commonwealth in said cases; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of one hundred dollars is hereby appropriated, to be paid out of the treasury, to the said J. M. Hooker, attorney, to cover his expenses and services in connection with the trial of the said case of Commonwealth versus A. H. Staples and others, in the circuit court of the United States at Lynchburg, transferred and tried in the said circuit court at Danville in November, nineteen hundred and two. And the sum of fifty dollars is hereby appropriated, to be paid out of the treasury, to H. M. Heuser, attorney, for his services and expenses to date in connection with the said case of Commonwealth versus T. L. Felts, in the circuit court of the United States at Lynchburg. And such sum as may be necessary for that purpose is hereby appropriated, to be paid out of the treasury, to the witnesses who attended upon behalf of the Commonwealth upon the said cases of Commonwealth versus A. H. Staples and others, and Commonwealth versus T. L. Felts, in the circuit court of the United States, to be paid as follows: To each witness a per diem of one dollar and fifty cents for each day of actual attendance upon said court, and mileage of five cents per mile for every mile of necessary travel in going to and returning from said court; said witnesses to be paid upon accounts certified and approved by the attorney for the Commonwealth in each case, and by the attorney-general.

2. The auditor of public accounts is hereby authorized and instructed to draw his warrants upon the treasury in favor of the parties entitled to be paid the above compensation and expenses, or their assigns, upon accounts certified and approved as above prescribed.

3. This act shall be in force from its passage.

CHAP. 74.—An ACT appropriating the sum of \$20,000 to be used to meet the deficit in the appropriation for the Eastern State Hospital, to complete payment of new building and equipment of same, to provide new boilers, for the support of additional patients, and other necessary expenditures.

Approved March 3, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of twenty thousand dollars be, and the same is hereby, appropriated out of any funds in the treasury not otherwise appropriated, to be drawn upon the warrant of the president of the board of directors of the Eastern State Hospital, to be used and expended in the following manner—to-wit: The sum of six thousand one hundred and sixty-two dollars and thirteen cents to pay the balance due the contractors and architect on the new building erected at said hospital; the sum of three thousand eight hundred and thirty-seven dollars and eighty-seven cents for furnishing said building, and for rebuilding fence, for steam pipes and putting grounds in order; the sum of five thousand dollars for the support of additional patients to be accommodated in said new building from March first, nineteen hundred and three, and the sum of five thousand dollars for two new boilers.

2. This act shall be in force from its passage.

CHAP. 75.—An ACT to authorize the board of visitors of William and Mary College to use the appropriation of \$5,000 heretofore made to said college for an electric light plant for that or such other system of lighting as the said board may deem expedient.

Approved March 3, 1903.

Whereas, the general assembly of Virginia did, by an act approved April second, nineteen hundred and two, appropriating the public revenue for the two fiscal years ending, respectively, September thirtieth, nineteen hundred and two, and September thirtieth, nineteen hundred and three, appropriate to William and Mary College the sum of five thousand dollars for an electric light plant for said college; and,

Whereas, after careful inquiry and investigation it appears that the annual cost of operating an electric light plant would very probably be greater than the revenues of the said college could afford; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of visitors of William and Mary College be, and hereby is, authorized and empowered to use the said five thousand dollars, heretofore appropriated, for an electric light plant, or for such other system of lighting as the said board may deem expedient.

2. This act shall be in force from its passage.

CHAP. 76.—An ACT to repeal an act approved March 25, 1902, entitled an act to make the boundary lines of lots and tracts of land in Greenvsille county a lawful fence.

Approved March 3, 1903.

1. Be it enacted by the general assembly of Virginia, That the act approved March twenty-fifth, nineteen hundred and two, entitled "an act to make the boundary lines of lots and tracts of land in Greenvsille county a lawful fence," is hereby repealed.

2. This act shall be in force from its passage.

CHAP. 77.—An ACT to appropriate the sum of \$1,200 for payment of the stenographer employed in the Campbell investigation.

Approved March 3, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer of the State for the sum of one thousand two hundred dollars in favor of B. P. Owen, junior, for compensation in full for his services as stenographer in reporting the proceedings before the committee of courts of justice of the house of delegates in the matter of the investigation of the charges against C. J. Campbell, judge of Amherst county.

2. There is hereby appropriated for this purpose the sum of one thousand two hundred dollars, to be paid out of any funds in the treasury not otherwise appropriated.

3. This act shall take effect from its passage.

CHAP. 78.—An ACT to amend and re-enact section 1759 of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by an act approved March 5, 1900, entitled an act to amend and re-enact section 1759 of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by act approved March 2, 1898, entitled an act to amend and re-enact section 1759 of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by act approved March 5, 1894.

Became a law, without the signature of the governor, March 5, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and fifty-nine of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by an act approved March fifth, nineteen hundred, entitled an act to amend and re-enact section seventeen hundred and fifty-nine of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by an act approved March second, eighteen hundred and ninety-eight, entitled an act to amend and re-enact section seventeen hundred and fifty-nine of the Code of Virginia, in relation to the practice of pharmacy, as amended and re-enacted by an act approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1759. Qualifications of members, and so forth.—It shall not be lawful for any person not a registered pharmacist to open or control as proprietor any retail drug or chemical store, or pharmaceutical department thereof, in this State, unless he shall have in his employ and place in charge of such store or pharmacy, or in the pharmaceutical department thereof, a registered pharmacist within the meaning of this chapter, who shall have the supervision and management of that part of the business requiring pharmaceutical skill and knowledge. And it shall not be lawful for any person to engage in the business or occupation of compounding or dispensing medicines on prescriptions of physicians or otherwise, or to sell at retail any drugs, chemicals, poisons or pharmaceutical preparations within this State, without first obtaining a certificate of registry as provided in this chapter: provided, nothing in this section shall apply to or in any manner interfere with the regular practice of any physician or veterinary surgeon, or prevent him from supplying to his patients such articles as he may deem proper, unless such physician or veterinary surgeon keep open shop for the dispensing of such articles, or with the making or vending of patent or proprietary medicines by any retail dealer in the original packages, or with the manufacture or the exclusive wholesale business of any dealer: and provided, further, that nothing in this act shall prevent or interfere with any retail druggist or drug company or their employees from selling, compounding, dispensing or manufacturing in the regular course of business any patent or proprietary medicines, or such other pharmaceutical preparations, chemicals, drugs, or articles as are patent or proprietary: and provided, further, that in rural districts and in towns having a population of fifteen hundred or less, any physician regularly licensed under the laws of Virginia may act as a pharmacist, without examination, but subject to such registration and renewal as is provided for in this act.

2. This act shall be in force from its passage.

CHAP. 79.—An ACT to repeal an act entitled an act to transfer to the county of Shenandoah the State's interest in the Mt. Jackson and Howard Lick Turnpike Company.

Became a law, without the signature of the governor, March 5, 1903.

Whereas, under an act passed by the general assembly at its session in eighteen hundred and ninety-nine and nineteen hundred, approved March fifth, nineteen hundred, entitled an act to transfer to the county of Shenandoah the State's interest in the Mount Jackson and Howard Lick Turnpike Company, the board of public works was authorized to transfer all of the rights, title, and interest of the State in and to the Mount Jackson and Howard Lick Turnpike Company, it being a turnpike of about thirteen miles in length, constructed from Mount Jackson, in Shenandoah county, to Howard's Lick, in West Virginia, to the board of supervisors of Shenandoah county; and,

Whereas, the said board of supervisors have thus far failed and refused to accept the said transfer as aforesaid on account of the indebtedness

against said company, and because of a conflict of interest of the private stockholders in said company, which would produce confusion and involve the said board of supervisors in other legal and constitutional questions, and at the same time fail to relieve the users of the said turnpike from the payment of tolls, as specially provided for by said act; therefore,

1. Be it enacted by the general assembly of Virginia, That said act shall be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 80.—An ACT to incorporate the General Alumni Association of the University of Virginia, with authority to issue certificates of membership to local associations and individuals composing said General Alumni Association.

Approved March 7, 1903.

Whereas, after thirty years' experience it has been found impracticable to maintain the Society of Alumni of the University of Virginia under the terms of the charter enacted by the general assembly of this State February sixth, eighteen hundred and seventy-three, because said society was founded on the basis of individual membership only; and,

Whereas, after much consideration and discussion at the annual meetings of the Society of Alumni, it was resolved to organize a General Alumni Association of the University of Virginia, to be composed of local associations throughout the United States, including the State of Virginia, and also of individual alumni from points where no local associations exist; and,

Whereas, the organization of such an association was fully consummated at the meeting of the General Alumni Association at the June seventeenth, nineteen hundred and two, commencement of the University of Virginia by its merger of the Society of Alumni, with its consent, into said General Alumni Association, and fully put into operation by the adoption of a constitution and by the election of officers to serve for two years from the said seventeenth of June, nineteen hundred and two; therefore,

Be it enacted by the general assembly of Virginia, That, from and after the passage of this act, there shall be legally organized—

1. An incorporation, to be known as the General Alumni Association of the University of Virginia, as a necessary auxiliary to the progress and success of that institution, and to be subject at all times to the control of the board of visitors of the University of Virginia, with the following named persons as incorporators, to-wit, the same being named and designated as its first officers, having been chosen for their respective positions by the General Alumni Association June seventeenth, nineteen hundred and two, viz.: James B. Sener, of Washington, District of Columbia, president; George W. Morris, of Charlottesville, Virginia, first vice-president; R. Gordon Wilson, of Baltimore, Maryland, second vice-president; and the following executive committee, to-wit: R. T. W. Duke, junior, of Charlottesville; Richard B. Tunstall, of Norfolk; James P. Harrison, of Danville; L. T. Hancel, of Charlottes-

ville; Armistead C. Gordon and Edward Echols, of Staunton, and Dr. H. D. Bruns, of New Orleans, Louisiana; John S. Patton, of Charlottesville, secretary; and Raleigh C. Minor, of the University of Virginia, treasurer. Those names herein, except the two vice-presidents, to constitute the executive committee of said association. The successors in office of all of the before mentioned officials to be chosen at the annual meeting of the General Alumni Association, to be held at the University of Virginia during the June commencement, nineteen hundred and four. This association, through its executive committee, is charged with the special duty of using its best endeavors to promote the welfare of the General Alumni Association, and to use its active efforts in co-operation with the board of visitors and faculty of the university to promote the success and prosperity of the university.

2. The principal office of said association and the chief business is to be at the University of Virginia. All the funds which this association may acquire shall be used, after paying its running expenses, for the use and benefit of this association and of the University of Virginia. It is intended that the General Alumni Association, which is to be made up and composed of local associations and of individual members throughout the country where no such associations exist, shall take the place of the Society of Alumni as incorporated February sixth, eighteen hundred and seventy-three, and succeed to all the rights, privileges, and property, real, personal and mixed, of the Society of Alumni of the university, which is hereby dissolved, the General Alumni Association being the legal successor of said Society of Alumni of the University of Virginia as incorporated February sixth, eighteen hundred and seventy-three; it being further intended that this association by this succession shall have and enjoy all the powers of the Society of Alumni which it possessed at the time of its merger into this association, this association having in view the general purposes and objects of the Society of Alumni as set out in its charter of February sixth, eighteen hundred and seventy-three, save as herein modified.

3. This association shall have authority to grant certificates of membership not only to the local alumni associations now composing it, but to such new ones as may be hereafter formed, and also to individuals as contemplated in this act, such certificates to bear the signatures of the president and secretary of the General Alumni Association and the seal of the association, which is given power to adopt a suitable one, and to require that all such local alumni associations, whether now or hereafter formed, shall pay into the treasury of the General Association annually a reasonable tax per capita on the alumni forming such associations, which in no instance shall exceed one dollar per capita per annum; and before any individual member shall become a member of the General Alumni Association he shall pay to the said association the sum of one dollar, and be required to pay the annual per capita tax levied upon the local associations, and shall remain an individual member only so long as there shall exist at the place of his residence, or within convenient distance near thereto, no local association to which he can attach himself; and whilst so a member of the General Association such individual member shall be entitled to a voice in the meetings of the General Association

and to hold office in the association and to such fraction of one vote as the constitution of said General Alumni Association shall permit.

4. This association is authorized, subject to the control of the board of visitors as to location, to build a hall on the grounds of the university for the use and benefit of the association, it being intended that whatever funds have already been raised by the Society of Alumni, as heretofore constituted, for the purpose of building such hall, shall pass to and belong to this association, and be used strictly for that purpose and none other. And the executive committee is to make all contracts for the building of said hall whenever there shall be sufficient funds in hand to do so.

5. The meetings of the General Alumni Association shall be made up of delegates from local alumni associations, to be chosen at the annual meetings of such local associations, and of individual members as hereinbefore provided; but if from any cause it should become impracticable for any local association to hold an annual meeting, then the delegates from each and every such local alumni association may be appointed by the executive committee thereof. The number of such delegates from each local association shall be on such basis of representation as the General Alumni Association shall prescribe.

6. The General Alumni Association shall meet at least once a year at the University of Virginia for the transaction of its business. The time and place of its meetings, which shall be during the university commencement of each year, shall be fixed by the executive committee, and, in the event of its failure to do so, by the president of the General Association. The association may also be called together in an emergency by the president of the association or by five local associations acting through their presidents. Any such called meeting shall be held at the University of Virginia, but only after ten days' notice thereof printed in one or more of the Charlottesville papers. At least ten days' notice shall be given in like manner of the time and place of the annual meeting of the association. The Alumni Association shall hold an annual celebration on Tuesday during commencement week in the public hall of the university, and this day shall be known as alumni day. The executive committee of said Alumni Association shall have full charge and control of the exercises of that day in the public hall and elsewhere, subject only to the superior authority of the board of visitors.

7. The General Association, by its executive committee, as in general meeting it may direct, shall have power to raise an endowment fund for the use and benefit of the university, to be held by the treasurer of the State, in Virginia registered century bonds, and all funds belonging to said association in excess of one thousand dollars, and all those donated for the purpose of building a public hall, shall be similarly invested, and only disposed of as they may be needed for the purposes of the association or of the university. The management and application of all the funds of the association and the income therefrom are to be under the control of the executive committee of the association and their successors in office, subject, however, to any instruction and direction of the General Alumni Association in annual meeting, which instruction or direction in every instance shall be given upon a registered aye and nay vote of the associ-

ation, cast according to their respective numerical strength. The treasurer of the State shall honor all requisitions on the funds in his hands or under his control belonging to said General Alumni Association, when signed by the treasurer of said association, countersigned by the president or acting president thereof, and attested by the secretary thereof, with the seal of the association thereto attached. The General Association may, in any proper way consistent with its general policy and the laws of the university, and not inconsistent with the laws of the State, plan and carry into effect ways and means for the advancement of the interests and prosperity of the University of Virginia.

8. The association shall have power to receive and hold property, real and personal, donation, passing by grant, conveyance, devise, and bequest under the general powers of endowment granted in the seventh section of this act, and also for the building of an alumni hall, as mentioned in the fourth section. The association may sue and be sued. Any real estate which the association may acquire by gift, devise, or otherwise in excess of five acres may be sold as soon as it can conveniently be sold at a fair price. The property held by this association shall, as to taxation thereof, stand in all respects upon the same footing as the property belonging to the University of Virginia.

9. The association may from time to time adopt any constitution and by-laws and any regulations it may think proper in regard to admitting or rejecting members of the General Association or of the local associations, and for any other purposes not inconsistent with the laws and constitution of this State or the United States, or the constitution of this association, and it shall also have authority to employ agents to obtain endowments for scholarships and professorships, and in any other proper manner to solicit donations for the proper objects in connection with the university, and to pay all expenses incident to the conduct and management of the association or of the executive committee.

10. The executive committee and other officers of the association shall hold their offices until their successors are chosen, and if it should so happen that the association should fail at the time appointed for the election of such officers to choose their successors, then those in office shall hold on until an election can be legally held. Five of the executive committee shall constitute a quorum for business, and the executive committee shall have power to fill vacancies in its own body, to hold until the next election after the happening of such vacancies. It shall be the duty of the executive committee, through the president of the association, to make an annual report to the association in regard to the condition and progress of the association and the formation of new alumni local associations, and this report shall also contain statements by the secretary and treasurer as to the number and condition of the local associations and the financial condition of the General Association.

11. This act shall take effect from and after its passage.

CHAP. 81.—An ACT to amend and re-enact section 3427 of the Code of Virginia, as amended and re-enacted by an act entitled “an act to amend and re-enact section 3427 of the Code of Virginia, in relation to how a chancery cause submitted for decision in vacation, how the decree certified and entered, its effect,” approved January 27, 1896, as amended and re-enacted by an act entitled “an act to amend and re-enact section 3427 of the Code of Virginia,” as amended and re-enacted by an act entitled “an act to amend and re-enact section 3427 of the Code of Virginia, in relation to how a chancery cause submitted for decision in vacation, how the decree certified and entered, its effect,” approved January 27, 1896, so as to permit the court, when not advised of its judgment, without consent of parties, to direct a chancery cause to be submitted for decision and decree in vacation, and also to direct decrees and orders acted upon in term to be entered in vacation, and to provide for the hearing of matters of law, or fact, requiring argument in open court, so far as practicable, approved March 3, 1898, as amended and re-enacted by an act entitled an act to amend and re-enact section 3427 of the Code of Virginia, approved April 2, 1902, in relation to how a chancery cause, motion, action at law, or matter of law, or fact, arising therein may be submitted for decision in vacation; the powers of the judge thereunder; how the decree, judgment, or order, is to be certified and entered, and the effect thereof; and how causes are to be heard.

Approved March 7, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and twenty-seven of the Code of Virginia, as amended and re-enacted by an act entitled “an act to amend and re-enact section thirty-four hundred and twenty-seven of the Code of Virginia, in relation to how a chancery cause submitted for decision in vacation; how the decree certified and entered; its effect,” approved January twenty-seventh, eighteen hundred and ninety-six, as amended and re-enacted by an act entitled “an act to amend and re-enact section thirty-four hundred and twenty-seven of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section thirty-four hundred and twenty-seven of the Code of Virginia, in relation to how a chancery cause submitted for decision in vacation; how the decree certified and entered; its effect,” approved January twenty-seventh, eighteen hundred and ninety-six, so as to permit the court, when not advised of its judgment, without consent of parties, to direct a chancery cause to be submitted for decision and decree in vacation, and also to direct decrees and orders acted upon in term to be entered in vacation; and to provide for the hearing of matters of law or fact, requiring argument in open court so far as practicable, approved March third, eighteen hundred and ninety-eight, as amended and re-enacted by an act entitled an act to amend and re-enact section three thousand four hundred and twenty-seven of the Code of Virginia, approved April second, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 3427. How a motion, action at law, chancery cause, or any matter of law, or fact arising therein, submitted for decision in vacation; how order, judgment, or decree, certified and entered; effect thereof; how causes shall be heard.—Any motion, action at law, or chancery cause, pending in a circuit, or corporation court, or any matter of law, or fact, arising in such motion, action at law, or chancery cause, may by consent of parties, either in person or by counsel, next friend or guardian ad litem, in term time entered of record, or by like consent in vacation, be submitted to the

judge of said court for such decision and decree, judgment, or order, therein in vacation as might be made in term (and such court may, either in term time or vacation, without such consent, when it desires time to consider of its judgment as to any motion, action at law, chancery cause, or matter of law, or fact arising therein, which has been fully argued and submitted, direct such motion, action at law, chancery cause, or matter of law, or fact, to be submitted for decision, and decree, judgment, or order in vacation): provided, that no such consent shall be necessary as to any defendant against whom the cause, action, or motion has been matured by order of publication, and who has not appeared by motion, demurrer, plea, or answer. When such consent is in vacation, the judge shall certify the fact to the clerk of the court in which the motion, action at law, or chancery cause is pending, to be entered in the law, or chancery order book, as the case may be. The judge acting in vacation under this section, in addition to the other powers herein given to him, shall have authority to do any and all things, and to enter all judgments, decrees, or orders, in behalf of, or at the request of, a party desiring to take an appeal, or to apply for a writ of error, that the court might do, or enter, in term time. The judge shall certify the judgments, orders and decrees made by him in vacation to the clerk aforesaid, to be entered in like manner as the vacation consent. All judgments, orders, and decrees so made and entered, shall have the same force and effect as if made and entered in term, except that in the case of a judgment, order, or decree for money, the same shall be effective only from the time of day at which it is received in the clerk's office to be entered of record. During a term of such circuit or corporation court, all matters of law, or fact, requiring argument, shall so far as practicable be heard in open court in the courthouse, and not in chambers, and the court shall be kept open for a reasonable time each day of the term for such hearings. This section shall not be construed as giving authority for jury trials except in term time.

2. This act shall be in force from its passage.

CHAP. 82.—An ACT providing for payment of State tax by party on whose motion the estate of a decedent is committed to the sheriff of any county or corporation, or the sergeant of the corporation.

Approved March 7, 1903.

1. Be it enacted by the general assembly of Virginia, That hereafter when, upon motion of any creditor or other person, the estate of a decedent is committed for administration to the sheriff of any county or corporation, or the sergeant of the corporation if there be no sheriff of the corporation, to take into his possession the estate of such decedent and administer the same; that the State tax due for such administration shall be paid by the party on whose motion the said administration is had, and the same shall be repaid him by the said administrator out of the first funds that are received by him from said estate.

2. This act shall be in force from its passage.

CHAP. 83.—An ACT to authorize the board of supervisors of Amelia county to contribute such an amount as it shall deem proper towards the erection of a Confederate monument in the courthouse square of said county.

Approved March 7, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Amelia county be, and it is hereby, authorized and empowered to appropriate and contribute out of the county funds such a sum of money as they may deem proper for the purpose of aiding in the erection of a monument upon the public square of said county, at the county seat, to the Confederate soldiers of said county. Such appropriation may be made as a whole, or may be made and paid out by instalments, as said board may determine.

2. This act shall be in force from its passage.

CHAP. 84.—An ACT to authorize municipal corporations to issue bonds for the redemption of outstanding bonds.

Approved March 7, 1903.

1. Be it enacted by the general assembly of Virginia, That any municipal corporation having issued bonds under any previous act, shall have the power and authority, and the same is hereby conferred upon them, to provide by ordinance for the redemption and liquidation of said bonds, upon their falling due, or upon this becoming subject to call, or otherwise, by the issuance of new bonds. Said new bonds shall not exceed in amount the original bonds to be redeemed; they may be registered or coupon, and may be sold to the highest bidder for cash at not less than par: provided, no such new bonds shall be of a higher rate of interest than six per centum per annum; and, provided further, that the proceeds of the sale of the new bonds so issued shall be used only in the payment of the old bonds subject to call, redemption, or otherwise, or those that may become subject to call, redemption, or otherwise maturing: provided, that the bonds issued under this act shall be payable in lawful money of the United States; and that a proper sinking fund shall be created and maintained for the redemption of such bonds.

2. This act shall be in force from its passage.

CHAP. 85.—An ACT to authorize the trustees of the Clintwood school district, in Dickenson county, to issue bonds and use the proceeds to purchase a site and erect thereon and furnish a school-house for said school district, and to authorize said trustees to sell the present school-house lot, and invest the proceeds in another school-house lot.

Approved March 9, 1903.

Whereas, the school-house in the town of Clintwood, in Clintwood school district, has been destroyed by fire; and,

Whereas, it is important that another school-house be erected in said town as soon as possible for the accommodation of pupils desiring to attend the school, thus creating an emergency which can be met only by a special act of the legislature; therefore,

1. Be it enacted by the general assembly of Virginia, That the trustees of the Clintwood school district be, and they hereby are, authorized and empowered to issue, and sell at not less than par, bonds to an amount not less than three thousand dollars, nor more than seven thousand dollars, to be payable not exceeding twenty years after date, and to bear interest not exceeding the rate of six per centum per annum. The said bonds may be issued in denominations of twenty-five dollars, or any multiple thereof, and shall be signed by the chairman of said board of trustees, and countersigned by the clerk of said board. The proceeds of said bonds shall be used by said school trustees in purchasing a site, and to erect thereon and furnish a school-house for said school district.

The board of supervisors of Dickenson county is hereby authorized and empowered, and it shall, until such time as said bonds are fully paid, annually levy, upon the assessed value of all real and personal property within said school district, such amounts of school district tax, in addition to present district school taxes, as the trustees of said school district shall certify to be necessary to pay the interest upon, and maintain a sinking fund to pay the principal of said bonds at maturity.

The said school trustees shall annually certify to the board of supervisors of Dickenson county, for levy under the provisions of this act, an amount of district tax sufficient to pay the interest upon the bonds issued hereunder, and to create a sinking fund of at least five per centum upon the principal. The amount of said interest and sinking fund shall be a first charge upon the funds received from said district school tax, and said school trustees shall set aside the amount of said interest and sinking fund received therefrom, and shall not use the same for any other purpose whatever. The said school trustees shall annually invest the amount received for the sinking fund in interest-bearing or dividend-paying securities, which, in their judgment, are safe and not liable to fluctuation, and shall so manage, control, sell, collect, and re-invest said sinking fund as in their judgment will be for the best interest of said school district. The commissioner of the revenue for the western district of Dickenson county shall annually extend the levies upon his books of the assessment made in pursuance of this act upon the real and personal property within the limits of said school district, and shall designate same as "District School Tax," in separate column.

The county treasurer shall annually collect the taxes levied in pursuance of this act, and shall annually settle and account for the same in the same manner that he settles and accounts for other school district taxes.

2. The trustees of said school district are hereby authorized and empowered to sell the present school-house lot, and invest the proceeds in another school-house lot in the town of Clintwood, to be selected by said trustees.

3. This act shall be in force from its passage.

CHAP. 86.—An ACT to provide a statue of Robert Edward Lee, to be placed in the National Statuary Hall, in the Capitol of the United States, at Washington, District of Columbia.

Became a law, without the governor's signature, March 13, 1903.

Whereas, the congress of the United States did, by act approved July second, eighteen hundred and sixty-four, provide as follows: "That a marble floor, similar to that of the congressional library or the senate vestibule, shall be constructed in the old hall of the house of representatives, using such marble as may be now on hand and not otherwise required, and that suitable structures and railings shall be therein erected for the reception and erection of statuary, and the same shall be under the supervision and direction of the commissioner of public buildings"; and further, that "the president is hereby authorized to invite each and all the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the house of representatives, in the capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated"; as appears from the statutes at large of the thirty-eighth congress, eighteen hundred and sixty-three and eighteen hundred and sixty-four, page three hundred and forty-seven; and,

Whereas, the president of the United States did, on the third day of February, eighteen hundred and sixty-five, by F. W. Seward, acting secretary of state, address a circular letter to the governors of the States requesting through them that the several States would take the matter under consideration; and,

Whereas, the general assembly of Virginia is informed that the statue of George Washington now fills one of the places in the national statuary hall, and deems it meet to provide that the statue of another citizen of Virginia "illustrious for historic renown," and of "distinguished civic and military services," shall fill the other place which as yet remains vacant; therefore,

1. Be it enacted by the general assembly of Virginia, That the general assembly of Virginia appreciates the above mentioned invitation of the United States extended through the president, and accepts the same; (second), that a statue of Robert Edward Lee be furnished by the State of Virginia to be placed in the national statuary hall of the capitol of the United States at Washington, District of Columbia.

2. That a joint committee of three senators and five delegates be appointed by the presiding officers of the senate and house of delegates to consider and ascertain the appropriate kind of statue to be selected and its cost; and the said committee be instructed to confer with Edward V. Valentine, the artist of the recumbent statue of Robert Edward Lee at

Lexington, it being the preference of the general assembly that the work shall be done by a Virginia artist.

3. The committee aforesaid shall act with as little delay as practicable, and shall make report to the senate and house of delegates.

4. This act shall be in force from its passage.

CHAP. 87.—An ACT appropriating the sum of two thousand dollars to the Department of Agriculture, to be used in the enforcement of the law prohibiting the sale of adulterated and unbranded food.

Approved March 13, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of two thousand dollars be, and the same is hereby, appropriated out of the funds in the treasury not otherwise appropriated, to be drawn, if so ordered by the board of agriculture and immigration, upon the warrant of the commissioner of agriculture, countersigned by the president of said board, and be used and expended as said board may direct for the purpose of enforcing the existing laws and such as may be hereafter enacted prohibiting the sale of adulterated food.

2. This act shall be in force from its passage.

CHAP. 88.—An ACT to authorize the taking of a census in the city of Manchester.

Approved March 13, 1903.

Whereas, by section ninety-eight of the Constitution of the State of Virginia it is provided that the cities of the Commonwealth shall be divided into two classes, according to the number of persons residing therein, all cities which contain ten thousand inhabitants, as shown by the last United States census, or other census provided by law, being placed in the first class, and all other cities in the second class; and,

Whereas, by the last United States census the city of Manchester appears to have only nine thousand seven hundred and fifteen inhabitants, but in the opinion of this general assembly it really contains more than ten thousand inhabitants, and such will be shown to be the fact by a proper census of said city if now taken; therefore,

1. Be it enacted by the general assembly of Virginia, That the commissioner of revenue for the city of Manchester be, and he is hereby, directed, as speedily as possible after the passage of this act, to have taken and certified, in the manner herein provided, a census of the persons resident in the said city of Manchester and in each of the four wards thereof. And for the purpose of making said census, the said commissioner of revenue is hereby authorized to employ four assistants, and to pay them at the rate of not less than one cent for each name enrolled by them on said census. The said census shall be so made as to show the number of all persons living in the said city, dividing the same into

wards as now designated; and the said commissioner of revenue is hereby directed to have the same made and completed with all convenient speed, and, if on completion of said census it shall appear that there are more than ten thousand inhabitants residing in the said city, the said commissioner of revenue is hereby directed to make up two copies of the said census and verify the same under his oath, and forward one of the copies to the governor of the Commonwealth, and file the other in the clerk's office of the hustings court of the city of Manchester; and upon the receipt of such census, so taken and certified, the governor is hereby directed to make a proclamation certifying the fact that the said city of Manchester contains more than ten thousand inhabitants, and is a city of the first class under the Constitution of the State.

2. The four persons herein authorized to be employed by the said commissioner of revenue to aid him in taking said census shall, before entering upon their duties, take and subscribe an oath, before some person authorized by law to administer oaths, that they will make out and return a true and accurate list of all the citizens living in the said city of Manchester, and otherwise perform such duties as may be devolved upon them to the best of their ability. The said commissioner of revenue shall be paid the sum of not less than one hundred dollars, and each of the four persons employed by him shall be entitled to receive not less than one cent for each name enrolled by him upon said census, which amount shall be paid by the city council of the city of Manchester, upon the presentation of a bill therefor by the said commissioner of revenue. And the said city council are hereby authorized and directed to pay the said bill when so presented.

3. This act shall be in force from its passage.

CHAP. 89.—An ACT prescribing the cases in which the governor shall have power to remit fines and penalties, the rules and regulations under which the same may be done, and how such judgments for fines, penalties, and costs may be marked satisfied upon judgment lien docket.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That the governor shall have power in his discretion to remit fines and penalties, whether heretofore or hereafter imposed, in all cases of felony or misdemeanor after conviction, in which he would have power under the provisions of section seventy-three, article five of the Constitution to grant a pardon, if, in his opinion, the evidence accompanying a petition praying for said release warrants the granting of said release. In all cases in which the governor shall remit a fine or penalty he shall issue his order to the clerk of the court by which such fine or penalty was imposed; or if such fine or penalty were imposed by a justice of the peace, to the clerk of the county court of the county, if prior to the first day of February, nineteen hundred and four, or to the clerk of the circuit court of the county, if subsequent to said date, or to the clerk of the corporation court of the city in which such justice holds office, and such court shall at its next term, or immedi-

ately if then in session, cause such order to be spread upon the law order book of its court; and the clerk of such court shall, immediately upon the receipt of such order, mark the judgment for such fine, penalty and costs remitted by the governor upon the judgment lien docket of the county or city in which it may have been recorded. The governor shall communicate to the general assembly, at each session, particulars of every case of fine or penalty remitted, with his reasons for remitting the same.

2. This act shall be in force from its passage.

CHAP. 90.—An ACT to authorize the supreme court of appeals of Virginia to direct the clerk of the court to destroy manuscript records in cases where the records are printed, and to require the binding of the records with briefs of counsel in each case.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That the supreme court of appeals of Virginia may, whenever in its opinion it shall be necessary to relieve the clerk's office, direct its clerk to destroy the manuscript of records in cases where the records have been printed, and which have been decided for two years.

2. The clerk of the said court shall, as soon as the case is decided, cause the record in the case to be bound, along with the briefs of counsel, in the same manner that acts of assembly are bound; and the clerk of the said court shall, when he collects the writ tax in each case, collect of the appellant, or plaintiff in error, as the case may be, a fee of fifty cents to pay the cost of such binding.

3. This act shall be in force from its passage.

CHAP. 91.—An ACT to provide for the substitution of the State corporation commission in the place and stead of the board of public works in all proceedings at law or in equity, to which the said board of public works was a party when it ceased to exist.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That where any proceedings at law or in equity are pending and undetermined in any of the courts of this Commonwealth to which the board of public works was a party when said board ceased to exist as provided by the Constitution of this State, the same shall not be discontinued; but on the motion of any person interested, after at least ten days' notice, the State corporation commission shall be made a party thereto, and thereafter such proceedings shall be had, and such judgment rendered and enforced, for or against the State corporation commission, as would have been proper for or against said board if it had not ceased to exist.

2. This act shall be in force from its passage.

CHAP. 92.—An ACT to prohibit the establishment and location of small-pox hospitals or pest-houses within fifty yards of any street, public road, public park, or public cemetery in any city, town, or county of the Commonwealth, or to hereafter establish any such hospital or pest-house within one hundred and fifty yards of any public road, public park, or cemetery, in any county of the Commonwealth.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for the council or board of health of any city or town, or the board of supervisors or the board of health of any county, to establish, locate, or maintain any hospital or pest-house for the reception or detention of patients suffering from small-pox, yellow fever, or cholera, within fifty yards of any street, public road, public park, or public cemetery, in any city, town, or county of the Commonwealth; nor shall any such hospital or pest-house be hereafter established within one hundred and fifty yards of any public road, public park or public cemetery in any county of the Commonwealth.

2. This act shall be in force from its passage.

CHAP. 93.—An ACT to amend and re-enact sections 2, 6, 10, and 14 of an act approved March 5, 1894, entitled an act to establish a State board of embalming; to provide for the better protection of life and health; to prevent the spread of contagious diseases; to regulate the practice of embalming, and the care and disposition of the dead; and to add additional section 15 thereto

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That sections two, six, ten, and fourteen, of an act approved March fifth, eighteen hundred and ninety-four, entitled an act to establish a State board of embalming; to provide for the better protection of life and health; to prevent the spread of contagious diseases; to regulate the practice of embalming, and the care and disposition of the dead, be amended and re-enacted, and that additional section fifteen be added thereto, so as to read as follows:

§ 2. Of whom composed and how appointed.—The board shall consist of five members, to be appointed by the governor of the Commonwealth, and all vacancies occurring on the board shall be filled by the governor.

Each member shall serve a term of five years, from the date of his appointment going into effect, except those first appointed, who shall serve as follows: one for one year, one for two years, one for three years, one for four years, and one for five years, respectively; the governor shall designate the number of years each shall serve, and any one having served as a member of the board shall be eligible for reappointment.

The first board shall be appointed on or before the first day of June, eighteen hundred and ninety-four, and one member annually thereafter, who shall serve for a term of five years, from the first day of July next ensuing; all subsequent appointments on the board, except to fill vacancies, shall be selected from three names sent to the governor by the Vir-

ginia funeral directors' association. But if the said nominations are not made to the governor by June fifteenth, of any year, then the governor shall appoint and commission a suitable person to fill the vacancy occasioned by the expiration of the term of the said member on said board.

The members of said board of embalmers shall be residents of the State of Virginia, and each of whom shall at least have had five years' experience in the practice of embalming and in the care of and disposition of dead human bodies in this State.

The governor shall have power to remove from office any member of said board for neglect of duty, incompetency, or improper conduct.

§ 6. There shall be elected at the first meeting a president and a secretary from the members of said board, who shall serve for one year, or until their successors shall be elected and have qualified.

The secretary shall furnish such bond as may be required of him by the board.

The board shall adopt a common seal.

The president of said board (and in his absence a president pro tempore elected by the members present) is hereby authorized to administer oaths to witnesses testifying before said board.

The said board shall, from time to time, adopt rules, regulations, and by-laws not inconsistent with the laws of this State, or of the United States, whereby the performance of the duties of said board, and the practice of embalming of dead human bodies, and the conduct of schools for teaching embalming shall be regulated.

And said board may conduct, or aid in the conducting of, schools for teaching embalming, and scientific branches relating thereto, out of its own funds; but shall not thereby reduce the funds in the treasury of said board below the sum of three hundred dollars.

The said board shall meet at least twice in each year, and may meet as often as the proper and efficient discharge of its duties shall require.

§ 10. On and after the first day of January, eighteen hundred and ninety-five, it shall be unlawful for any person, not a licensed embalmer, as herein provided, to practice, or pretend to practice, the science of embalming, either by arterial or cavity treatment.

§ 14. This act shall not apply to undertakers or their assistants who have practiced embalming in this State for one year prior to January first, nineteen hundred and three, but such persons may become licensed, if they so elect, by complying with the provisions of this act.

§ 15. It shall be unlawful to embalm a dead human body, when any fact within the knowledge, or brought to the attention of, the embalmer is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until the permission of the coroner, or of a justice of the peace, if there be no coroner, has been first obtained.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars.

2. This act shall be in force on and after January first, nineteen hundred and four.

CHAP. 94.—An ACT to validate the acts of certain commissioners in chancery in the Commonwealth.

Approved March 16, 1903.

Whereas, by act of the general assembly of Virginia, in effect February seventeenth, nineteen hundred, section thirty-three hundred and nineteen of the Code of Virginia was so amended as to increase the number of commissioners in chancery for the courts of certain cities and counties in the Commonwealth, and additional commissioners were duly appointed by virtue of such act; and,

Whereas, by act approved February fifteenth, nineteen hundred and one, an amendment was made to said act, which, from its title, purported to amend said section in so far as it affected the county of Rappahannock, but in fact did omit other counties and cities provided for in the act first aforesaid; and,

Whereas, many of the additional commissioners appointed by virtue of the first aforesaid act have continued to discharge the duties of the office of such commissioners, and have done various acts in discharge of such duties; therefore,

1. Be it enacted by the general assembly of Virginia, That all acts and transactions done by any of the commissioners in chancery, who were properly qualified as such commissioners, on the fourteenth day of February, nineteen hundred and one, in the city of Manchester, and the counties of Alleghany, Buckingham, Frederick, Southampton, Russell, and Shenandoah, be, and the same are hereby, declared to be valid.

2. This act shall be in force from its passage.

CHAP. 95.—An ACT to amend and re-enact section 2266 of the Code of Virginia, as amended and re-enacted by an act approved January 17, 1896, relating to divorces.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and sixty-six of the Code of Virginia of eighteen hundred and eighty-seven, as amended by an act approved January seventeenth, eighteen hundred and ninety-six, be amended and re-enacted to read as follows:

§ 2266. When and how a decree for divorce from bed and board may be revoked or may be merged into a decree of divorce from the bonds of matrimony.—When a decree for a separation forever, or a limited period, has been made in a suit for a divorce from bed and board, it may at any time thereafter, upon the joint application of the parties, and the production by them of satisfactory evidence of their reconciliation, be revoked by the same court which made it, and under such regulations and restrictions as the court may impose. And when three years shall have elapsed after the entering of a decree for a divorce from bed and board, upon application of the party injured, and upon the production of satisfactory evidence, whether taken theretofore or in support of such applica-

tion, the court may merge such decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony: provided, the court shall be of opinion, from the evidence taken in the suit and in support of the said application, that no reconciliation is probable and that a separation has continued without interruption since the granting of such divorce.

CHAP. 96.—An ACT to authorize the board of supervisors of Gloucester county to borrow money.

Approved March 16, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Gloucester county be, and they are hereby, authorized and empowered to borrow a sum not exceeding three thousand dollars, and to issue bonds of the county therefor, for the purpose of erecting a bridge across Dragon swamp, and to defray the expense of small-pox cases.

2. This act shall be in force from its passage.

CHAP. 97.—An ACT authorizing and directing the auditor of public accounts to accept from county and city treasurers of the Commonwealth, or their securities, against whom there are judgments in favor of the Commonwealth for taxes and money due the Commonwealth as such treasurers, the amount so due, together with the costs of suit, and interest at six per centum per annum from the time the same became due, in full satisfaction and discharge of said judgments, provided the same is fully paid by the first day of July, 1903.

Approved March 23, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to accept from the county and city treasurers of the Commonwealth, or their securities, against whom there are judgments in favor of the Commonwealth for taxes, levies, and money due the Commonwealth as such treasurers, the amount so due, together with the costs of suit and interest at the rate of six per centum per annum from the time the same became due, in full satisfaction and discharge of said judgments, provided and upon condition that the same is fully paid by July first, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 98.—An ACT to promote pure elections, primaries, and conventions, and to prevent corrupt practices or bribery in same; to limit the expenses of candidates, to prescribe the duties of candidates, and providing penalties and remedies for violations of this act, and declaring void under certain conditions elections in which the provisions of this act, or any of them, have been violated.

Approved March 24, 1903.

1. Be it enacted by the general assembly of Virginia, That no candidate for congress, or for either house of the general assembly of Virginia, or

any State, county, district, or municipal office, shall expend, pay, promise, loan, or become pecuniarily liable in any way for any money or other valuable thing to influence voters in his behalf, or permit the same to be so used, with his knowledge and consent, by his friends or adherents in any election, primary or nominating convention: provided, however, that no expenditure made by any candidate or his adherents and friends for the purpose of printing or advertising in some newspapers, or in securing suitable halls for public speaking at a reasonable price, shall be deemed illegal.

2. That no person shall expend, pay, promise, loan, or become pecuniarily liable in any way for, any money or other valuable thing in behalf of any candidate for office at any election, primary or nominating convention held in this Commonwealth. Any person or candidate violating any of the provisions of this or the preceding section of this act shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or confined in jail not less than one nor more than twelve months.

3. Every person who shall be a candidate before any caucus or convention, or at any primary election or at any election for any State, county, city, township, district or municipal office, or for senator or member of the house of delegates of Virginia, or for senator or representative in the congress of the United States, shall, within thirty days after the election, caucus, convention or primary election held to fill such office or place, make out and file with the officer or board empowered by law to issue certificates of election to such office or place, and a duplicate thereof with the clerk of the county or corporation court for any county or city in which such candidate resides, a statement in writing, which statement and duplicate shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any persons or person in his behalf, wholly or in part, endeavoring to secure his nomination or election to such office or place; and also all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other persons at such election, primary or nominating convention, and showing the dates when, the persons to whom and the purposes for which all such sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it; and he shall also, before some officer qualified to administer oaths, take, subscribe to and file with said statement the following oath:

I do solemnly swear that the statement herewith filed embraces all money spent by me or in my behalf, with my knowledge and consent, by my adherents and friends; that I have neither directly nor indirectly arranged, encouraged nor connived at the spending of any money other than as shown in my said statement; that I have not repaid any money so spent or claimed to have been so spent, and that I will not do so, and that I have not violated any of the provisions of this act in letter or in spirit. So help me God.

4. No officer or board authorized by law to issue commissions or certificates of election shall issue any such certificate or commission to any such person until such statement and oath shall have been so made, verified and filed by such persons with said officer.

5. Any person failing to comply with the above provisions by failing to file said statement and oath in the manner and form above prescribed shall be liable to a fine not exceeding five thousand dollars, to be recovered in an action or motion brought in the name of the State by the attorney-general, or by the Commonwealth's attorney of the county or city of the candidate's residence, or by any person suing in the name of the Commonwealth, the amount of said fine to be fixed within the above limit by the jury, and to be paid into the school fund of said county.

6. No person shall enter upon the duties of any elective office until he shall have filed the statement, oath, and duplicate provided for in this act, nor shall he receive any salary or any emolument for any period prior to the filing of the same.

7. Said statement and oath shall at all times be open to public inspection and copies of same furnished any applicant.

8. In any contest over the election of any officer in this Commonwealth, if it be alleged in the notice of contest of the contestant that the provisions, or any of them, of this act has been violated by the contestee, or by his friends and adherents, with his knowledge and consent, and it so appears upon the trial of said contest, then said election shall be declared null and void and of no effect, unless it also appears that the contestant is entitled to the office for which he is contesting.

9. The statements of any person testifying under this act shall not be used against him in any way.

10. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAP. 99.—An ACT limiting the time in which witnesses can be paid out of the treasury.

Approved March 24, 1903.

1. Be it enacted by the general assembly of Virginia, That no payment out of the treasury shall be made to witnesses unless their claims are presented within two years from the time of rendering the service.

2. This act shall be in force from its passage.

CHAP. 100.—An ACT to authorize the board of supervisors of Page county, Virginia, to issue bonds for the purpose of retiring outstanding bonds.

Approved March 24, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Page county be, and they are hereby, authorized and empowered, and it shall be lawful for said board to issue the bonds of the

said county for an amount not to exceed sixty-nine thousand dollars, that being the amount of the bonds of the said county now remaining unpaid, which were issued under an act of the general assembly of Virginia, approved January eleventh, eighteen hundred and ninety, with which to retire the whole, or any part, of the outstanding bonds of said county so issued as aforesaid; said bonds to be issued each for one thousand dollars, and to bear interest at not a greater rate than four per centum per annum, payable semi-annually at the First National Bank of Luray, Luray, Virginia, or at the Hanover National Bank, of New York city, New York, for which coupons shall be issued, payable semi-annually, May first and November first, of each year; said bonds to be so issued as to be payable at either of said banks, as follows:

Two bonds, each for one thousand dollars, payable May first, nineteen hundred and four; two bonds, each for one thousand dollars, payable May first, nineteen hundred and five; three bonds, each for one thousand dollars, payable May first, nineteen hundred and six; three bonds, each for one thousand dollars, payable May first, nineteen hundred and seven; three bonds, each for one thousand dollars, payable May first, nineteen hundred and eight; three bonds, each for one thousand dollars, payable May first, nineteen hundred and nine; three bonds, each for one thousand dollars, payable May first, nineteen hundred and ten; three bonds, each for one thousand dollars, payable May first, nineteen hundred and eleven; three bonds, each for one thousand dollars, payable May first, nineteen hundred and twelve; four bonds, each for one thousand dollars, payable May first, nineteen hundred and thirteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and fourteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and fifteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and sixteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and seventeen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and eighteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and nineteen; four bonds, each for one thousand dollars, payable May first, nineteen hundred and twenty; four bonds, each for one thousand dollars, payable May first, nineteen hundred and twenty-one; four bonds, each for one thousand dollars, payable May first, nineteen hundred and twenty-two; four bonds, each for one thousand dollars, payable May first, nineteen hundred and twenty-three.

2. The bonds of the county outstanding and unpaid, being now payable and bearing interest at the rate of five per centum per annum, and the opportunity being offered to refund these bonds into bonds bearing interest at the rate of four per centum per annum, and the condition imposed of prompt acceptance, the emergency thus created calling for immediate action, this act shall be in force from its passage.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 101.—An ACT to provide for the commitment to private hospitals or sanitariums of inebriates, opium eaters, or persons addicted to other drug habits and lost to self-control.

Approved March 25, 1903.

1. Be it enacted by the general assembly of Virginia, That, upon complaint in writing by any relative, and in the event there is no husband, wife, father, mother, brother, sister or adult children residing in the county, city or town wherein such habitual drunkard, opium eater or person addicted to other drug habits and lost to self-control resides, then by any two of the friends of the party to any justice of the peace of the county wherein said party resides (they having first agreed and entered into a bond, with approved security, to pay all costs incurred by the investigation and future proceedings) that any person is an habitual drunkard, opium eater or addicted to other drug habits, and lost to self-control, and that there is good reason to believe that said inebriate, opium eater or person addicted to other drug habits would be benefited by treatment in a private hospital or sanitarium, it shall be the duty of said justice to issue his warrant ordering such person to be brought before him. He and two other justices shall inquire whether such person be an habitual drunkard, opium eater or addicted to other drug habits, and lost to self-control; and for that purpose shall summon his physician, if he have one, and if none, then some other physician practicing in the vicinity, and other friends. If, after such examination, which shall be in writing, it shall appear that the person so examined is an habitual drunkard, opium eater or addicted to other drug habits and lost to self-control, and that, in the opinion of said justices, the benefits of a private hospital or sanitarium would possibly restore such person to sobriety and self-control, then such justices, after said examination, shall, in their discretion, have power to commit the said inebriate, opium eater or person addicted to other drug habits to a private hospital or sanitarium, with the consent of the authorities of such private hospital or sanitarium, there to remain under treatment until, in the opinion of such authorities, it will be safe to allow him or her to go at large.

But no such inebriate, opium eater or person addicted to other drug habits shall be compelled by the provisions of this act to remain in said hospital or sanitarium for a period exceeding four months, without his or her consent, entered in writing on the records of such private hospital or sanitarium: provided, that nothing in this act shall be construed so as to prevent any person, who shall find himself or herself aggrieved by the judgment of the justices aforesaid, from appealing to the circuit or corporation court of the county or corporation in which he or she may reside, and the said appeal shall be allowed as a matter of right, and the said court shall proceed, without delay, and without any formal pleadings, to review the said proceedings, and the party accused shall have the right of trial by jury to ascertain the fact whether or not he or she is an habitual drunkard, opium eater or addicted to other drug habits and lost to self-control. If the jury aforesaid shall, by their verdict, decide that the accused is not an habitual drunkard, opium eater or addicted to other

drug habits and lost to self-control, the said court shall enter an order dismissing the whole proceeding. All costs of the proceedings, whether before the justice or the court, shall be ordered to be paid by those making the complaint.

The person proceeded against shall have the right to be heard in opposition to the proceedings, and upon all questions arising therein, both before the justices and the courts, and shall have the right and be given the opportunity to employ counsel to represent him. The justices shall, before making an order of commitment, inquire and ascertain whether the private hospital or sanitarium to which it is proposed to commit the person proceeded against is a fit and proper institution to have the care of such person, and shall in their order of commitment designate the particular hospital or sanitarium to which the person proceeded against is to be committed, and which they shall find to be a proper institution to have the charge of such person; and the person committed shall have, as a matter of right, the right to appeal from the judgment of the justices aforesaid in respect to the fitness of the institution to which he may be committed, to the circuit court of the county or to the corporation court of the city in which the proceedings may be had; and upon such appeal the court shall review the question whether the private hospital or sanitarium designated by the justices is a fit and proper institution to have the care of the person so committed by them. If the court shall be of opinion that the private hospital or sanitarium designated by the justices is a fit and proper institution, it shall affirm their judgment in that respect. But if the said court shall find that the private hospital or sanitarium designated by the justices is not a fit and proper institution to have the care of the person committed, and if the court shall, by the verdict of the jury, further find that the person proceeded against is an habitual drunkard, opium eater or person addicted to the use of other drugs and lost to self-control, then the court shall have power to inquire and ascertain some other private hospital or sanitarium proper and fit to take charge of the person proceeded against; and the court shall in such case, by its order, designate and appoint such other private hospital or sanitarium to take charge of such person in lieu and in place of the one designated by the said justices.

2. The said justices or, in case of an appeal as provided for in the foregoing section and a decision by the jury that the accused is an habitual drunkard, opium eater or person addicted to other drug habits and lost to self-control, the court may appoint the sheriff of the county or corporation in which the proceedings are held, or other proper officer named in the order of commitment, to take and convey the person against whom the proceedings are to the private hospital or sanitarium to which such person is committed by the said justices or court; and it shall be the duty of such sheriff or other officer to take charge of the said inebriate or opium eater or person addicted to other drug habits, and deliver him to the authorities of the said private hospital or sanitarium; or the justices or court may, in their order of commitment, appoint such person as the said private hospital or sanitarium may name to receive the said inebriate, opium eater or person addicted to other drug habits, and deliver him to the authorities of the said hospital or sanitarium; and upon any such

commitment the authorities of the private hospital or sanitarium to whom such person may be committed as aforesaid shall have power to receive and retain such person for the period for which he may be committed, not exceeding the term of four months at any one time; and the authorities of any private hospital or sanitarium may likewise receive and retain any inebriate, opium eater or person addicted to other drug habits and lost to self-control, who may voluntarily enter such hospital or sanitarium as a patient: provided, such person shall enter upon the records of such institution his or her consent to remain in such institution for the period of time for which such person may so consent in writing to remain in such hospital or sanitarium.

3. The justices committing an inebriate, opium eater or person addicted to other drug habits as before described in this act shall, at the time of such commitment, certify to the circuit court of the county or the corporation court of the city, as the case may be, the fact of such committal; and the said court shall have power to appoint a committee to take charge of the estate, real and personal, of said inebriate, opium eater or person addicted to other drug habits; said committee shall execute a bond with such security as the court may require, conditioned for the faithful discharge of his duties; and he shall report to the said court the time and circumstances of the release of such inebriate from the private hospital or sanitarium to which he may have been sent; and upon such report, if satisfactory, and upon a settlement of his accounts, the said committee may be released from further responsibility.

4. This act shall be in force from its passage.

CHAP. 102.—An ACT to amend and re-enact section 1101 of the Code of Virginia, 1887, as amended by an act entitled "an act to amend and re-enact section 1101 of the Code of Virginia," approved March 28, 1902.

Approved March 25, 1903.

1. Be it enacted by the general assembly of Virginia, That section eleven hundred and one of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact section eleven hundred and one of the Code of Virginia," approved March twenty-eighth, nineteen hundred and two, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 1101. What lands of colleges, asylums, and so forth, subject to condemnation.—Nothing in the preceding sections of this chapter shall be so construed as to authorize the condemnation or acquisition, except by the consent of the general assembly, of any lands belonging to, attached to the site, or used for the purposes of any university, college or other seminary of learning owned and conducted by the Commonwealth; or to authorize the condemnation or acquisition, except by the consent of the general assembly, of any lands belonging to, attached to the site, or used for the purposes of any State hospital, lunatic asylum, or the institution for the deaf and dumb and blind; or to authorize the condemnation or acquisition of any cemetery or burial ground, or any part thereof. But

the lands of any university, incorporated college, or other seminary of learning not owned and conducted by the Commonwealth shall be subject to condemnation for the purposes of electric railways and public highways: provided, no part of such lands shall be condemned which is within five hundred feet of any building erected and used for school purposes at the time proceedings are instituted, nor through the land which surrounds the school buildings and is used at such time as a campus or park in connection therewith.

2. This act shall be in force from its passage.

CHAP. 103.—An ACT to appropriate the sum of \$8,000, or so much thereof as may be necessary, to defray the expenses of the State board of health.

Approved March 25, 1903.

Whereas by an act approved March seventh, nineteen hundred, chapter eleven hundred and forty-six, page twelve hundred and forty-eight, of session acts of eighteen hundred and ninety-nine and nineteen hundred, providing for the appointment of a State board of health and of local boards of health, defining the duties and powers and compensation thereof, and of their members and officers and agents, and in section two of said act it being provided that the expenses of the State board of health, which shall not in one year exceed the sum of five thousand dollars, and shall be paid by warrants drawn upon the auditor of public accounts, signed by the president of said board and countersigned by the secretary, out of any money in the treasury not otherwise appropriated; and,

Whereas, by a ruling of the attorney-general under section one hundred and eighty-six of the Constitution of Virginia the expenses of said State board of health cannot be paid under said act approved March seventh, nineteen hundred; and on account of which ruling the said State board of health is without the means whereby to continue its existence and perform its duties; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of eight thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any funds in the treasury not otherwise appropriated to the State board of health to defray its expenses: provided, that said expenses shall not exceed four thousand dollars in any one year.

2. The expenses incurred by said State board of health shall be paid by warrants drawn upon the auditor of public accounts, signed by the president of the said board and countersigned by the secretary.

3. This act shall be in force from its passage.

CHAP. 104.—An ACT to amend and re-enact sections 3 and 11 of an act to amend and re-enact chapter 256 of the acts of assembly of 1855-'56, as amended by chapter 123 of the acts of assembly of 1883-'84, entitled an act to incorporate the town of Orange, and to enable the said town to borrow money, approved January 21, 1896.

Approved March 25, 1903.

1. Be it enacted by the general assembly of Virginia, That sections three and eleven of an act to amend and re-enact chapter two hundred and fifty-six of the acts of assembly of eighteen hundred and fifty-five and eighteen hundred and fifty-six, as amended by chapter one hundred and twenty-three of the acts of assembly of eighteen hundred and eighty-three and eighteen hundred and eighty-four, entitled an act to incorporate the town of Orange, and to enable the said town to borrow money, approved January twenty-first, eighteen hundred and ninety-six, be amended so as to read as follows, respectively:

§ 3. The said board of trustees shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the Constitution and laws of this State or the Constitution and laws of the United States, and to levy annually such taxes and prescribe such licenses as it may deem necessary for the purposes of said town, which said tax levy shall not exceed for one year one dollar on the one hundred dollars' valuation of property as per State assessment. The said board shall, by a vote of a majority of their number, on the first meeting after their qualification, elect a town sergeant, a recorder, and a treasurer of said town, who shall hold office during the term of office of the said board, unless removed by the mayor for cause, which said removal shall be ratified or set aside by the board of trustees at its next regular meeting. Any vacancy occurring by death, resignation or removal, or any other cause, in any of the officers or appointees of said town, shall be filled by the said board of trustees, and the office of mayor, in case of vacancy, can be filled by said board out of its own number or by any qualified voter of the town. The compensation of the mayor shall be fixed by the board of trustees, and shall not preclude the collection of legal fees by him.

§ 11. The trustees of said town, whenever the consent of a majority of the freeholders of said town, at an election held for that purpose, which shall be after ten days' notice of the time and place of holding same, and the purpose thereof has been published in the newspaper or newspapers published in said town once a week for four successive weeks, shall so elect and decide, shall have power to borrow for said town, and for the purpose of internal improvement, a sum of money not exceeding five thousand dollars, by the issue and sale of the bonds of said town. Said bonds shall be registered or coupon bonds, and shall be in such denominations as the board of trustees shall prescribe, and shall bear interest, payable annually, at the rate of six per centum per annum. Said bonds shall be payable thirty years after the date thereof, and may be redeemable at the option of the said board of trustees after fifteen years from the date of same. Said bonds shall be signed by the mayor of said town, and countersigned by the recorder thereof, under the corporate seal of said town, and shall be negotiated by the trustees of said town, who are

authorized to employ a suitable agent for the purpose, but in no case to be sold at less than the par value of said bonds. The board of trustees shall have power to provide for the payment of the interest on said bonds and for a sinking fund for the redemption of the same, when due, by a special tax levied sufficient for the purpose, which said tax shall not be applied to any other purpose. The trustees of the said town are further empowered, whenever the consent of a majority of the freeholders of the said town shall so decide in the manner hereinbefore set forth, to issue bonds, either coupon or registered, for an amount not exceeding twenty thousand dollars, in such denominations as the board of trustees shall prescribe, bearing interest at the rate of five per centum per annum. Said bonds shall be payable thirty years after date, and may be redeemable, at the option of the said board of trustees, after fifteen years from the date of same, and shall be free from taxation by the said town of Orange. The proceeds of the said bonds, or so much thereof as may be necessary, shall be used by the said trustees for the purpose of erecting water-works for the said town, which authority shall include the purchase of necessary water-supply, engines and other machinery, a site for reservoir or stand pipe, the right of way to the said town, and all other expenses necessary to the completion of the said water-works. Said bonds shall be signed by the mayor of said town, countersigned by the recorder thereof, under its corporate seal, and shall be negotiated by the trustees of said town, who are hereby authorized to employ a special agent for the purpose, but in no case to be sold at less than the par value of the said bonds. The board of trustees shall have power to provide for the payment of the interest on the said bonds, and for a sinking fund for the redemption of the same, when due, by special tax levied for the purpose, which tax shall not be applied to any other purpose, and shall have authority to fix the rate to be charged for the use of water privileges.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 105.—An ACT to amend and re-enact section 623 of the Code of Virginia, in relation to collection of taxes and levies and distraining therefor.

Approved March 25, 1903.

1. Be it enacted by the general assembly of Virginia, That section six hundred and twenty-three of the Code of Virginia, in relation to collection of taxes or levies and distraining therefor, be amended and re-enacted so as to read as follows:

§ 623. When distress shall not be made.—But no distress shall be made for taxes or levies by the treasurer where he has had more than two years to collect the same; nor by the sheriff, sergeant, constable or collector after the expiration of the time within which he is required by section six hundred and twelve to account for taxes returned delinquent and placed in his hands for collection: provided, that a treasurer of a former term shall, notwithstanding the expiration of his term of office, by himself or by his deputies, be allowed to complete his collection and make final

settlement thereof, and shall have the same powers of distress and sale as he possessed before said term expired, which right of distress and sale shall continue for the term of two years from the time such right first accrued, but no deputy shall be permitted to qualify for such collection after the principal's term of office has expired: and provided further, that in the event the collection of any taxes or levies may have been heretofore or may hereafter be enjoined or restrained by the order of any court, and such order be thereafter finally dissolved, the period during which the collection of such taxes or levies may have been so enjoined and restrained shall not be computed as a part of such term of two years, but the treasurer of said county or city, or the sheriff, sergeant or collector thereof, in which the collection of such taxes or levies is so restrained as aforesaid, shall be allowed the full period of two years within which he may distraint for the same.

2. This act shall be in force from its passage.

CHAP. 106.—An ACT to authorize the board of supervisors of the county of Lancaster to acquire by purchase or condemnation for public purposes a lot of land not exceeding two acres, adjoining the lot on which the courthouse now stands.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Lancaster be, and they are hereby, authorized and empowered to acquire, by purchase or condemnation proceedings according to law, a lot of land for public purposes, not exceeding two acres, adjoining the lot on which the courthouse now stands.

2. This act shall be in force from its passage.

CHAP. 107.—An ACT to amend and re-enact section 2260 of the Code of Virginia, 1887, relating to proceedings for divorce.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and sixty of the Code of Virginia of eighteen hundred and eighty-seven be amended and re-enacted so as to read as follows:

§ 2260. How instituted and conducted.—Such suit shall be instituted and conducted as other suits in equity, except that the bill shall not be taken for confessed; and, whether the defendant answer or not, the cause shall be heard independently of the admissions of either party in the pleadings or otherwise; and no process or notice in such proceedings shall be served in this State, except by officers authorized to serve the same; and all depositions, when taken in this State, shall be before a commissioner in chancery. Costs may be awarded to either party as equity and justice may require.

2. This act shall be in effect from and after the first day of July, nineteen hundred and three.

CHAP. 108.—An ACT dedicating a site on the Capitol grounds for an equestrian statue of General J. E. B. Stuart, and providing for an appropriation of \$10,000 therefor.

Approved March 28, 1903.

Whereas, the "Stuart Monument Association" proposes to present to the Commonwealth of Virginia an equestrian statue of J. E. B. Stuart; and,

Whereas, this patriotic purpose is highly appreciated and approved by the general assembly of Virginia; and,

Whereas, the State of Virginia is deeply interested in preserving a memorial of one whose heroic death in the defense of the Commonwealth has rendered his name dear to the people of Virginia; and,

Whereas, section one hundred and eighty-six of the Constitution of the State provides that no appropriation shall be made which is payable more than two years after the end of the session of the general assembly at which the law is enacted authorizing the same; now, therefore,

1. Be it enacted by the general assembly of Virginia, That a site for the said equestrian statue be, and the same is hereby, dedicated by the Commonwealth of Virginia upon that portion of the capitol grounds described as follows: A circular plot of ground with a radius of fifty feet, the centre of which shall be located on a line projected in a northerly and southerly direction through the centre of the capitol building at a point on the intersection of said line with Franklin street projected from west to east: provided, however, that the general assembly reserves the right to relocate the said monument whenever the said assembly desires to use the said site for the purpose of erecting thereon a composite monument to Lee and his generals.

2. That the governor of this Commonwealth be, and is hereby, requested, so soon as the president of the "Stuart Monument Association" shall certify to him that said association has raised the sum of ten thousand dollars, to transmit said certificate with a special message to the general assembly of Virginia; and that the present general assembly of Virginia, if in session, will thereupon appropriate out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, the same to be paid to the order of the president and treasurer of the "Stuart Monument Association."

3. That, should the term of office of the present general assembly of Virginia have expired at the time of the message of the governor as aforesaid, then, and in that event, the governor of Virginia be, and he is hereby, requested to append to his message a copy of this act; and this general assembly confidently appeals to and relies upon the patriotic devotion of the sons of Virginia who will succeed this general assembly in these legislative halls to honor and carry out the pledge hereby given.

4. This act shall be in force from its passage.

CHAP. 109.—An ACT to provide for the appointment every two years by the governor of three commissioners for the promotion of uniformity of legislation in the United States, to define their duties, and to authorize the payment of their traveling expenses.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That within thirty days after the passage of this act, and every two years thereafter, the governor shall appoint three commissioners, who are hereby constituted a board of commissioners by the name and style of commissioners for the promotion of uniformity of legislation in the United States. It shall be the duty of said commissioners to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probate of wills, and other subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the laws of the States, and to represent the State of Virginia in conventions of like commissioners heretofore appointed or to be appointed by other States to consider and draft uniform laws to be submitted for approval and adoption of the several States, and to devise and recommend such other course of action as shall best accomplish the purpose of this act. The term of office of said commissioners shall be two years. The said commissioners shall receive no compensation for their services but their necessary traveling expenses in effecting the object of this act, not to exceed fifty dollars each per annum, shall be paid out of any fund not otherwise appropriated when the account for the same has been approved by the governor.

2. This act shall be in force from its passage.

CHAP. 110.—An ACT to amend and re-enact section 1681 of the Code of Virginia, as amended by an act approved March 7, 1900, in relation to commitment of certain persons to insane hospitals.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact section sixteen hundred and eighty-one of the Code of Virginia, as amended by an act approved March seventh, nineteen hundred, in relation to the commitment of idiot and harmless demented to the hospitals for the insane, be amended and re-enacted so as to read as follows:

§ 1681. If any idiot be sent to or received in any hospital, the superintendent shall order him to be removed to the county or corporation whence he came, and delivered to his committee, if he have one, or if not, to the overseers of the poor, or any of them, who shall give a receipt for him. The costs of such removal shall be paid out of his estate, if sufficient, but if not, shall be provided by the said overseers at the charge of their county or corporation.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 111.—An ACT to prohibit keeping or exhibiting, or being concerned in interest in keeping or exhibiting, any slot machine or device that operates on the nickel-in-the-slot principle, in operating which the element of chance enters in.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That if any person keep or exhibit, or be concerned in interest in keeping or exhibiting, any slot machine of any description into which are dropped pennies or nickels or coins of any other denomination, or other device that operates on the nickel-in-the-slot principle, in the operating of which said machine or device the element of chance enters in, or permit such machine or device to be kept or exhibited in his place of business, he shall be confined in jail not less than fifteen nor more than sixty days, and fined not less than one hundred nor more than five hundred dollars: provided, that this act shall not apply to any slot machine or device that operates on the nickel-in-the-slot principle, in the operation of which said machine or device the element of chance does not enter, and which is used exclusively for any of the following purposes, to-wit: for conducting a pay telephone, for musical, weighing or other similar purposes, or for the disposing of chewing-gum, or articles of merchandise other than cigarettes and intoxicating liquors.

2. This act shall be in force from its passage.

CHAP. 112.—An ACT to provide for changing the boundaries of wards in cities, and for increasing or diminishing the number thereof.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That in each city of this Commonwealth there shall be as many wards as the city council may establish: provided, however, that whenever by the last United States census or other enumeration made by authority of law it shall appear that the population in any ward exceeds that of any other ward by as much as three thousand inhabitants, or whenever in the opinion of the council it is necessary, or whenever the corporate limits of the city shall be extended or contracted, it shall be the duty of the city council to redistrict the city into wards, or so change the boundaries of existing wards, or so increase or diminish the number of wards as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. A mandamus shall lie on behalf of any citizen to compel the performance by the council of the duty so prescribed.

2. This act shall be in force from its passage.

CHAP. 113.—An ACT to provide for the representation of the several wards of cities in the councils thereof, and for the reapportionment of such representation.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That each and every ward in a city shall be entitled to equal representation as far as practicable in each branch of the council thereof in proportion to the population of such ward. In determining such population the council shall be governed by the last United States census, or such other enumeration as may be authorized by the general assembly. It shall be the duty of the several councils of the cities of this Commonwealth, in the year nineteen hundred and three, and every tenth year thereafter, and also whenever the boundaries of the wards of the city are changed, to reapportion the representation in the council in the manner herein provided. A mandamus shall lie on behalf of any citizen to compel the performance by the council of the duty so prescribed.

2. This act shall be in force from its passage.

CHAP. 114.—An ACT to empower the board of supervisors and judge of the county court of Giles to authorize the Daughters of the Confederacy to erect a monument on the courthouse square, at Pearisburg, Virginia, to the memory of the Confederate soldiers of said county, and in their discretion to appropriate money to aid in the erection of said monument.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors and the judge of the county court of Giles be, and they are hereby, empowered to grant authority and permission to the McComar Chapter, Grand Division of Virginia, United Daughters of the Confederacy, to erect on the courthouse square, at Pearisburg, Virginia, a monument to the memory of the Confederate soldiers of said county, and that said board is authorized to appropriate out of the revenue of said county, should they deem it advisable, a sum of money not exceeding three hundred dollars, to aid in the erection of said monument: provided, however, that the shade trees in the courthouse square shall not be removed, or seriously damaged.

2. This act shall be in force from its passage.

CHAP. 115.—An ACT to authorize the board of supervisors of Lancaster county to effect a loan for county road purposes, and to disburse the same.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Lancaster county be, and they are, by and with the consent of the county court of said county, hereby authorized to issue registered or coupon bonds in the name of said county for a sum not exceeding

ten thousand dollars in the aggregate, to be negotiated at not less than par, to bear interest at five per centum per annum, and to run not exceeding thirty years, and to be redeemable at the pleasure of the board after ten years.

2. The said board of supervisors shall set apart each year a sum sufficient to meet the interest on said bonds, and to create a sinking fund for the redemption of the principal of said bonds. The board of supervisors shall levy and collect such an amount of taxes as may be necessary to comply with the provisions of this act.

3. The said bonds issued in pursuance of this act shall be of such denominations as said board of supervisors may direct, and the proceeds of said bonds shall be placed in the hands of the treasurer of said county, and the same shall be paid out in the mode and manner that may be prescribed by said board of supervisors for county road purposes.

4. The debts contracted and evidenced by said bonds shall be levied for by the board of supervisors upon such subjects of taxation as now are or may be liable for the county levy, and that the faith of said county is pledged for the punctual payment of said bonds, principal and interest, as the same shall fall due.

5. That for services rendered in carrying out this act, and for the necessary time occupied in connection with the road system of the county, the said board of supervisors shall receive two dollars each per day.

6. This act shall be in force from its passage.

CHAP. 116.—An ACT to authorize the board of supervisors of Bedford county to contribute such an amount as it shall deem proper towards the erection of a Confederate monument in the courthouse square of said county.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bedford county be, and it is hereby, authorized and empowered to appropriate and contribute out of the county funds such a sum of money as they may deem proper for the purpose of aiding in the erection of a monument upon the public square of said county, at the county seat, to the Confederate soldiers of said county; such appropriation may be made as a whole, or may be made and paid out by instalments, as said board may determine: provided, that such monument shall, by reason of such appropriation, become the property of said county.

2. This act shall be in force from its passage.

CHAP. 117.—An ACT to authorize and empower the board of supervisors of Campbell county to appropriate and contribute money to the Citizens' Association of Campbell county, for the purpose of aiding the erection of a monument to the Confederate soldiers of said county.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Campbell county be, and it is hereby, authorized and em-

powered, if, in its opinion, it be just and proper so to do, to appropriate and contribute out of the county funds a sum of money not exceeding five hundred dollars to the Citizens' Association of Campbell county, for the purpose of aiding said association in the erection of a monument upon the public square of said county, at the county seat thereof, to the Confederate soldiers of said county. Such appropriation may be made as a whole or may be made and paid out by instalments, as the said board may determine.

2. This act shall be in force from its passage.

CHAP. 118.—An ACT to empower the county court of Campbell county to authorize and permit a Confederate monument to be erected upon the public square, at the county seat thereof.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the county court of Campbell county be, and it is hereby, empowered, with the concurrence of the board of supervisors of said county, entered of record, to authorize and permit the Citizens' Association of Campbell county to erect a Confederate monument upon the public square of said county, at the county seat thereof, and if the same shall be so erected it shall not be lawful thereafter for the authorities of said county, or any other person or persons whatever, to disturb or interfere with any monument so erected, or to prevent said citizens from taking all proper measures and exercising all proper means for the protection, preservation, and care of any such monument.

2. This act shall be in force from its passage.

CHAP. 119.—An ACT to amend and re-enact an act entitled an act to provide for working and keeping in repair the roads and bridges of Russell county, and to authorize the board of supervisors to borrow money for said purpose, approved February 21, 1900.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for working and keeping in repair the roads and bridges of Russell county, and to authorize the board of supervisors to borrow money for said purpose, approved February twenty-first, nineteen hundred, be amended and re-enacted so as to read as follows:

2. The board of supervisors of Russell county are hereby authorized to borrow for the county the sum of one hundred and fifty thousand dollars, and to secure the money borrowed the said board of supervisors are authorized and empowered to make, execute and sell the bonds of Russell county, to be executed under the seal of the board of supervisors of said county, signed by the chairman of said board, and attested by the clerk of said board. Said bonds so issued shall be in denominations of one

thousand dollars each, and bear interest at the rate of five per centum per annum, the interest on all of said bonds to be paid annually, said bonds to run from one to thirty years, as follows: five thousand of said bonds to mature at the end of the first year after same are issued; and five thousand of same to mature each year thereafter until all of said bonds mature. And to provide a fund with which to pay the annual interest on said bonds, and to pay the amount of bonds that mature each year, the said board of supervisors are hereby authorized to increase the county road levy to sixty cents on the one hundred dollars of assessable property and land of the county for this purpose.

Said board of supervisors shall use said one hundred and fifty thousand dollars for the purpose of constructing, grading, building, and macadamizing the main and most important public roads in said county, at such points or places as said roads need macadamizing, and do said work as rapidly as practicable consistent with efficient service and economy; and to enable said board of supervisors to do this work with dispatch and efficiency, they are empowered to let the macadamizing of said roads to contract by public or private bids as will obtain the cheapest and best work, taking from the contractors who contract and agree to do said work bonds with good and approved security, for such amount as the board of supervisors may deem sufficient to secure the faithful performance of said contract, conditioned that the said work shall be done well and in a workman-like manner, and according to plans and specifications for such work, and within the time prescribed by said contract.

3. Said board of supervisors, in order to build and construct said roads in a workman-like manner, shall employ and pay out of said fund borrowed, at a salary of not more than one hundred dollars per month while engaged in said work, a practical engineer for the county of Russell, whose duty it shall be to draw up, under the direction and with the aid of said board of supervisors, plans and specifications for the construction and building of said macadamized roads in said county, whose duty it shall be to supervise, oversee, inspect, and, with the said board, receive said roads when same are completed by the contractors according to their contracts, plans and specifications for building same, said engineer to devote his entire time, under the direction of the board, to the construction of the said roads; said engineer to be the employee of the board for the proper management of the construction of said roads, to work under their direction, to make report as often as they may require of the work that is being done, and may be removed by the board at any time, on ten days' notice, for inefficiency, want of care to the work in hand, failure to do his full duty, or other just cause. The said board of supervisors may, out of said fund, be paid for actual services rendered by them under this act, at the same rate per diem that they now receive as members of said board, not to exceed, in addition to what they now receive by law, the sum of twenty dollars per year.

4. Said fund to be spent by the board of supervisors in the magisterial districts of said county, as far as the same can be done, in proportion to the number of miles of important roads in said districts and in said

county, and said roads in the several magisterial districts and the county will be built as follows, and in the following order:

First, the Fincastle road, from Scott county to Tazewell county line; second, road from Old Rosedale to Honaker; third, Lebanon to Cleveland and to Dumps creek; fourth, Lebanon to Hansonville; fifth, foot mountain at Moccasin Gap to Castle Wood and to Jim Counts'; sixth, from Scott county line to Beckley's mill; seventh, S. F. Combs' to Finney's siding, by way of S. N. Johnson's; eighth, from J. P. Clark's house to Sword's creek, and from Sword's creek to M. P. Clark's house; ninth, Hawkins' mills, down Moccasin to Scott county line; tenth, John T. Candler's to Carterton; eleventh, Honaker to B. F. Fuller's house.

5. Said roads shall be macadamized fourteen feet in width, and no road shall be macadamized that is more than four degrees in grade, and all roads shall be built out of the creeks and water courses, except where it is absolutely necessary to cross or go along same, and no macadamizing shall be done in or along creeks or water courses where same is liable to be washed out.

6. All acts and parts of acts and laws in conflict with this act, as to special road laws applicable to the county of Russell, are hereby repealed.

7. This act shall be in force from and after sixty days from its passage.

CHAP. 120.—An ACT to provide for the election of commissioners of the revenue for the counties of the State.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That such commissioners of the revenue as are now provided by law for the counties of the State shall be chosen by the qualified voters of the respective counties at the general election to be held on Tuesday after the first Monday in November, nineteen hundred and three, and every fourth year thereafter, and shall hold their offices for the term of four years from January first next following his election.

2. This act shall be in force from its passage.

CHAP. 121.—An ACT to provide for the election of commissioners of the revenue for the cities of the State.

Approved March 28, 1903.

1. Be it enacted by the general assembly of Virginia, That on the Tuesday after the first Monday in November, nineteen hundred and five, and every fourth year thereafter, there shall be chosen by the qualified voters of each city of the Commonwealth one commissioner of the revenue, who shall hold office for four years from January first next following his election.

2. This act shall be in force from its passage.

CHAP. 122.—An ACT to provide for the repair, construction, and permanent improvement of the public roads and bridges of Newport magisterial district, in the county of Warwick; to authorize the board of supervisors of said county to borrow money therefor by the issue of bonds, and to create a commission to have charge of the proceeds of the sale thereof; and to submit the question of issuing bonds to the freehold voters of said magisterial district.

Approved March 31, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Warwick be, and they are hereby, authorized to borrow the sum of thirty-five thousand dollars for and on behalf of Newport magisterial district, in the said county, to be expended in the repair, construction, and permanent improvement of the public roads and bridges of said magisterial district. The said board of supervisors shall issue bonds for the purpose hereinbefore stated, for the sum of thirty-five thousand dollars, either in registered or coupon bonds, of the denomination of five hundred dollars each, payable forty years from their date, bearing interest, payable semi-annually, at a rate not exceeding five per centum per annum.

2. The form of said bonds shall be determined by the said board of supervisors; and said bonds shall be exempt from all taxation by the said county.

3. The said board of supervisors shall make sale of said bonds, but no bond shall be sold for less than the par value thereof; and the proceeds of such sale shall immediately be turned over to the commission to be appointed as hereinafter set forth.

4. The said board of supervisors, at the time it makes its levy each year for county purposes, shall make a levy on all real estate and personal property in Newport magisterial district for the purpose of providing for the interest on said bonds, and after twenty years from the date of said bonds to create a sinking fund to pay the principal of such bonds at maturity; and they shall repeat such levy from year to year until the principal and interest on said bonds shall have been fully paid; but such annual levy shall not exceed the interest on said issue of bonds until after the expiration of twenty years from their date.

5. The circuit court of said county, or the judge thereof in vacation, is hereby empowered to appoint and qualify a commission of three freeholders of said magisterial district, whose duty it shall be to expend the proceeds arising from the sale of said bonds upon the public roads and bridges in said Newport magisterial district as in their judgment they may deem best for the interest of said magisterial district. The compensation of the commissioners shall be fixed by the said board of supervisors.

All vacancies occurring on the commission shall be filled and qualified by said circuit court, or the judge thereof in vacation.

6. Provided, that the said commissioners appointed hereunder shall not receive or expend any of the proceeds received from the sale of said bonds until they have each first executed a bond in the sum of twenty-five thousand dollars, with a bonding company approved by said court, or the judge

thereof, as surety thereon, conditioned to faithfully discharge their duties under this act and honestly disburse said fund in accordance therewith.

7. Provided further, that the said board of supervisors shall not issue any bonds provided in this act until it has ordered a special election for the purpose and submitted the question of issuing said bonds to the freehold voters of Newport magisterial district, in the county of Warwick, and a majority of those voting shall have voted for such issue. The circuit court of said county, or the judge thereof in vacation, whenever it shall appear to the said court or judge from the proceedings of said board of supervisors that it has ordered such an election, shall fix the time of holding said election, and shall prescribe the style of ballot and the method of conducting the said election and certifying the returns, all of which shall be spread upon the law order book of said court, and shall conform as nearly as may be to the provisions of the general election law and the provisions of section twelve hundred and forty-four of the Code of Virginia: provided, however, that the court shall fix the time for holding such election so that the same shall be within sixty days from the time this act is approved by the governor; and provided further, that the board of supervisors shall cause notice of the time of holding such election to be published at least four times in a newspaper published in the city of Newport News, and shall have printed notices thereof posted at each voting place in said district at least two weeks before such election.

8. This act shall be in force from its passage.

CHAP. 123.—An ACT to authorize the board of directors of the Southwestern State Hospital to exchange certain land with the heirs of J. B. Rhea, deceased, and to execute and receive the necessary deeds for the purpose of carrying the same into effect.

Approved April 4, 1903.

Whereas, the board of directors of the Southwestern Lunatic Asylum on the seventeenth of June, eighteen hundred and eighty-seven, entered into an agreement with J. B. Rhea, an adjoining land owner, to straighten the division lines between the land owned by said Rhea and those owned by the Southwestern State Hospital, for the purpose of economizing in fencing and of giving better shape to the land of both parties; and,

Whereas, the said agreement was modified and enlarged on July twelfth, eighteen hundred and ninety-nine, and the fences built in conformity therewith; and,

Whereas, by a survey and plot made it appears that each party will gain and lose about an equal quantity of land by reason of said change of lines, and it being of mutual advantage to the two parties that said exchange of land should be made permanent; and,

Whereas, said J. B. Rhea is now dead and his widow and heirs are willing to carry into effect said arrangement; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of directors of the Southwestern State Hospital be, and they are hereby, authorized and empowered to exchange lands with the widow and heirs

of J. B. Rhea, deceased, for the purpose of carrying out and making permanent the said agreements mentioned in the foregoing preamble, and to execute, deliver and receive all necessary deeds to effectuate the same.

2. This act shall be in force from its passage.

CHAP. 124.—An ACT to amend and re-enact section 1 of an act entitled "an act requiring suitable fish ladders upon the dam at Goose creek, at Leesville, Campbell county," approved March 28, 1902.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act requiring suitable fish ladders upon the dam at Goose creek, at Leesville, Campbell county, approved March twenty-eighth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the person or corporation owning or having control of the dam across Goose creek, at Leesville, in the county of Campbell, be required, within one year from the first day of March, nineteen hundred and three, to erect suitable fish ladder or ladders upon said dam so that fish may have a free passage up and down said stream during the months of March, April, May and June of each year, and maintain and keep the same in good repair and restore it in case of destruction.

2. This act shall be in force from its passage, and no fine or penalty shall be imposed upon any person by reason of failure to place such fish ladder or ladders upon said dam before the expiration of one year from the said first day of March, nineteen hundred and three.

CHAP. 125.—An ACT to repeal an act entitled an act to incorporate High Point Academy, in Grayson county.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate High Point Academy, Grayson county, approved April eleventh, eighteen hundred and eighty-seven, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 126.—An ACT to amend and re-enact section 11 of an act entitled "an act to amend and re-enact an act incorporating the 'Virginia Normal and Collegiate Institute,' and to provide for the support of the same," approved May 20, 1887, as amended and re-enacted by an act approved March 29, 1902.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to amend and re-enact an act incorporat-

ing the Virginia Normal and Collegiate Institute, and to provide for the support of the same, approved May twentieth, eighteen hundred and eighty-seven, as amended and re-enacted by an act approved March twenty-ninth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 11. The board of visitors shall have the power to designate the bank or banks in which shall be deposited all moneys accruing to the said institute from the annuity herein provided for, and from all other sources, and to prescribe the manner in which the moneys shall be disbursed.

The board of visitors, before depositing said money in any bank, shall take from it bond, with sufficient security, in a penalty double the amount likely to be deposited in such bank at any time during the year, and with condition for the safe-keeping of all moneys that may thereafter be deposited with it, and the payment and disbursement thereof according to law.

The board of visitors shall annually examine the bond given by any bank as to its sufficiency in all respects, and whenever, in their opinion, such bond is insufficient, they may require the bank to execute a new bond, or an additional bond, in such penalty as they may prescribe. If the bank fails to execute such new bond, or an additional bond, within a reasonable time, the board shall transfer the money so deposited to some other bank in the State which will give proper bond.

2. This act shall be in force from its passage.

CHAP. 127.—An ACT to authorize and empower the town of Smithfield, in Isle of Wight county, to borrow money for street improvement.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the mayor and council of the town of Smithfield, in Isle of Wight county, Virginia, be, and they are hereby, authorized and empowered to borrow for said town the sum of five thousand dollars for the purpose of improving the streets of said town, by issuing bonds of said town as hereinafter provided.

2. Said bonds shall be registered with the treasurer of said town, and shall be issued in denominations of five hundred dollars each, and bear interest at a rate not exceeding six per centum per annum from date, said interest to be paid annually. The principal of said bonds shall be paid thirty years after date, or upon the call of the town any time after ten years from date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of the council, and shall be sold and negotiated as the council may think to be the best interest of said town.

3. This act shall be in force from its passage.

CHAP. 128.—An ACT to authorize the board of supervisors of Princess Anne county to appropriate a sum of money to aid in the erection of a monument at Princess Anne courthouse to the memory of the Confederate soldiers from said county.

Approved April 4, 1903.

Whereas, the Princess Anne Camp of Confederate Veterans, of Princess Anne county, desires to erect a monument to the memory of the Confederate soldiers from said county upon the public property of said county, at the county seat thereof; and,

Whereas, in order to aid in the erection of the same, and to beautify the public property of the said county at the public seat thereof, it is deemed proper and expedient to authorize the board of supervisors of said county, with the consent of the county or circuit court of said county, or the judge of either of said courts in vacation, entered of record, to appropriate a sum of money not exceeding five hundred dollars: provided, the county levy of said county be not increased above the present rate of taxation; now, therefore,

1. Be it enacted, That the board of supervisors of Princess Anne county be, and the same are hereby, authorized, with the consent of either the county or circuit courts of said county, or the judges of either of said courts in vacation, entered of record, to appropriate from the county levy a sum of money not exceeding five hundred dollars: and provided further, that the said sum of money, or any part thereof, shall not be paid until the said monument shall have been completed; and when the same shall have been completed, then the said amount shall be paid by the said board to the person, or persons, who have been employed by the said Princess Anne Camp of Confederate Veterans in the construction and completion of said monument upon the written order of the commander of the said Princess Anne Camp of Confederate Veterans.

CHAP. 129.—An ACT to authorize and empower the board of supervisors of Botetourt county to appropriate and contribute money for the purpose of aiding in the erection of a monument to the Confederate soldiers of said county.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Botetourt county be, and it is hereby, authorized and empowered to appropriate and contribute out of the county funds of said county a sum of money not exceeding five hundred dollars, for the purpose of aiding in the construction of a monument to the Confederate soldiers of said county, to be erected on the public square of said county or at the county seat thereof. Such appropriation may be made as a whole, or may be made and paid out by instalments, as the said board may determine.

2. This act shall be in force from its passage.

CHAP. 130.—An ACT to empower the county court of Botetourt county to authorize and permit the erection of a Confederate monument upon the public square, at the county seat thereof.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the county court of Botetourt county be, and it is hereby, empowered, with the concurrence of the board of supervisors of said county, entered of record, to authorize and permit the erection of a Confederate monument upon the public square of said county at the county seat thereof, and if the same shall be so erected it shall not be lawful thereafter for the authorities of said county, or any other person or persons whatever, to disturb or interfere with any monument so erected, or to prevent the citizens of said county from taking all proper measures and exercising all proper means for the protection, preservation and care of said monument.

2. This act shall be in force from its passage.

CHAP. 131.—An ACT to authorize the supervisors of Warren county to borrow \$12,000, to be used in the building of a bridge and approaches thereto over the south branch of the Shenandoah river at or near Carson's ford, in said county.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Warren county be, and it is hereby, empowered to borrow upon the credit and faith of the county of Warren, and to appropriate towards the erection of a bridge and approaches thereto over the south branch of the Shenandoah river, at or near Carson's ford, in said county, such sum or sums of money as said board may think proper: provided, said sum so borrowed and appropriated does not exceed the sum of twelve thousand dollars.

2. The said board of supervisors may issue the registered bonds of said county, in sums of one thousand dollars each, or any multiple thereof, payable in thirty years from their date, or upon call of the said board of supervisors at any time after twenty years from their date, bearing interest at not exceeding five per centum per annum, the interest to be paid on the first day of July and the first day of January of each year. The said bonds shall be signed by the chairman of the board of supervisors, be countersigned by the county clerk, and have the seal of the county attached.

3. The said bonds, when so issued, may be delivered for negotiation to such agent or agents as said board of supervisors may select; but before such delivery of said bonds to said agent or agents, he, or they, as the case may be, shall execute bond, with good security, in such penalty as the said board of supervisors may think reasonable, conditioned for the faithful discharge of their trust as such agent or agents.

4. Said bonds shall be negotiated at not less than par, and the proceeds thereof shall be paid into the hands of the treasurer of Warren county,

to be held, and paid out by him, upon the order of the board of supervisors; and the said treasurer, and the sureties on his official bond as such treasurer, shall be held responsible for said money in the same manner as for other county funds coming into his hands. For his services in receiving and paying out said money the said treasurer shall receive two per centum on the amount so received and paid out. The agent, or agents, if any be appointed under section three of this act, shall receive such compensation for his or their services herein as may be agreed upon by them and the board of supervisors of said county, not exceeding two per centum upon the amount of bonds negotiated.

5. The board of supervisors of said county of Warren shall embrace in their annual levy a sum sufficient to pay the annual interest on said bonds; and shall also provide by levy, from year to year, a sinking fund of not exceeding ten cents on the one hundred dollars of taxable property within the said county; which sinking fund shall be securely invested by said board of supervisors, in such securities as they may think safe, the same to be applied to the payment of said bonds at the time when they may be payable.

6. This act shall be in force from its passage.

CHAP. 132.—An ACT to amend an act approved March 29, 1902, to authorize the board of supervisors of Smyth county to issue bonds and borrow money for the building and repairing of the roads in said county, and to direct and to authorize the judge of the county court to order an election to ascertain the sense of the qualified voters of said county on the question.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Smyth county be, and the same is hereby, directed, within ninety days after the passage of this act, to order an election therein to take the sense of the qualified voters of said county upon the proposition to borrow money and issue bonds or other evidences of debt therefor, not in excess of seventy-five thousand dollars, for the purpose of building and improving the public roads in said county. The time of holding said election to be fixed by said court, which election is to be held in the usual manner of holding special elections.

2. The form of ballots to be used in such elections shall be prescribed by the county court.

3. If the majority of votes cast in said election shall be in favor of issuing said bonds, then they shall be issued in such denominations as the board of road commissioners hereinafter mentioned shall determine, said bonds to run not exceeding thirty years, and to be redeemable at the pleasure of the board after ten years from the date thereof. Said bonds shall bear interest not exceeding five per centum, and shall not be sold at less than par value. The said bonds shall be coupon bonds, and the coupons shall be receivable for all taxes due said county. The bonds shall be signed by the president of the board and countersigned by the clerk

thereof, and shall be negotiable and sold in the manner to be prescribed by said board of road commissioners.

4. Said board of supervisors shall set apart each year a sum sufficient to meet the interest on said bonds, and to create a sinking fund for the redemption of the principal of said bonds. The board of supervisors shall levy and collect such an amount of taxes as may be necessary to comply with the provisions of this act.

5. The board of road commissioners of Smyth county shall consist of three supervisors of said county and nine freeholders, three from each magisterial district, to be appointed by the county court, who shall reside in different sections of said districts. Said freeholders shall execute bond, with security approved by said court, for the full amount of all moneys that may go into their hands.

6. The sum of money borrowed shall be prorated among the three magisterial districts of said county, as a majority of the board of road commissioners may direct, and as the needs of each said district may appear to them.

7. The supervisors and the three freeholders of each magisterial district shall constitute the board of road commissioners for their respective districts. They shall elect one of the freeholders to superintend the opening and repairing of roads, who shall receive such compensation as said district board may prescribe.

8. When the money is apportioned to the respective districts and placed in the bank to the credit of the district board, it shall be paid out on checks to be signed by the said superintendent of the district, who shall make report to the district board as often and in such manner as said board shall determine.

9. The nine freeholders appointed as hereinbefore mentioned, together with the three supervisors of said county, shall constitute the county board of road commissioners. This board shall elect one of their number president and another member clerk, who shall sign and countersign said bonds as hereinbefore provided, and examine the accounts of the superintendents of the several district boards, which accounts shall be submitted at any meeting of the county board on demand of its president.

10. A majority of said board shall constitute a quorum for the transaction of business.

11. Application for opening new roads and changing locations of old roads shall be made under existing laws, and said roads shall be maintained and kept in order in each district in the manner prescribed by the respective district boards as may not conflict with the laws of the State.

12. All acts or parts of acts in conflict herewith are to that extent hereby repealed.

13. This act shall be in force from its passage.

CHAP. 133.—An ACT to authorize and empower the board of supervisors of Elizabeth City county to issue and sell bonds to an amount not exceeding the sum of \$50,000 in the aggregate, the proceeds to be used for the repair and maintenance of the public roads and bridges of said county, and appointing commissioners to disburse such moneys.

Approved April 4, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Elizabeth City county be, and it is hereby, authorized and empowered to issue and sell bonds upon the faith and credit of the said county to an amount not exceeding in the aggregate fifty thousand dollars, the proceeds of the sale of such bonds, or any of them, to be applied by the commissioners hereinafter designated, or their successors, to the repair and maintenance of the public roads and bridges of the said county. For these purposes the said board of supervisors is hereby authorized and empowered to issue and sell, at not less than par, either registered or coupon bonds in the denomination of five hundred dollars each, payable not less than twenty nor more than forty years after their date, such bonds to bear interest at a rate not exceeding five per centum per annum, payable semi-annually; said board may issue all of the said bonds hereby authorized at one time, and of the same series, or from time to time, in different series.

2. The said board of supervisors, at the time it makes its annual levy for county purposes, shall make such additional levy on all of the real and personal property subject to taxation by said county as may be necessary for the purpose of providing for the annual interest accruing on such bonds as may be issued, and to create a sinking fund for the payment thereof at maturity: provided, that the real and personal property in the said county subject to taxation by either the town of Hampton or the town of Phœbus shall be exempt from any additional levy that may be necessary to pay the interest and provide a sinking fund for any of the bonds that may be issued under the authority of this act. The said board of supervisors shall each year make such levy as may be necessary for the purpose aforesaid until all outstanding bonds issued hereunder have been fully paid: provided, that such levy shall not during any one year exceed the interest on such bonds and one-twentieth of such bonded indebtedness.

3. A board of road commissioners is hereby created, which shall consist of seven resident freeholders of said county, whose duty it shall be to apply the proceeds arising from the sale of any and all of the bonds hereby authorized to be issued and sold to the repair and maintenance of the public roads and bridges of the said county. The said board of road commissioners shall have the right and authority to repair and maintain the said roads and bridges, or any of them, either by contract or by day labor. The following resident freeholders of said county are hereby created a board of road commissioners for said county: George A. Schmelz, Charles E. Hewins, Frank W. Darling, Scott Wood, R. S. Hudgins, G. K. Sinclair, senior, James H. Mitchell. Any vacancy occurring in the said board as hereby created, either by death, removal, resignation, or failure to qualify, shall be filled by the judge of the circuit court of the said county, upon the recommendation of the board of supervisors. Be-

fore entering upon the discharge of the duties or exercising any of the powers hereby conferred upon them, each member of the said board herein named, or his successor, shall make oath before the clerk of the court of the said county to faithfully and honestly administer the duties of his office as set out in this act, and as prescribed by the said board of road commissioners. The compensation of the said commissioners shall be such as may be prescribed by the board of supervisors of the said county.

4. Nothing in this act shall be construed as authorizing the levy of a tax to provide for the interest or a sinking fund incident to the issuing of any bonds under the authority of this act upon any of the real or personal property in said county taxed by the municipal authorities of the town of Hampton or of the town of Phoebus.

5. This act shall be in force from its passage.

CHAP. 134.—An ACT to amend and re-enact section 3972 of the Code of Virginia, 1887, in relation to how a justice may associate justices with him; if they disagree, whose opinion to prevail.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and seventy-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3972. A justice to whom complaint is made, or before whom a prisoner is brought, may associate with himself other justices of the county or corporation, not exceeding two, and they may together execute the powers and duties before mentioned, but in case of disagreement in opinion the opinion of the justice to whom the complaint is made, or before whom the prisoner is brought, shall prevail when one justice is so associated with him, but in case there be two justices associated with him, the opinion of the majority shall prevail.

CHAP. 135.—An ACT to amend and re-enact sections 1546 and 1551 of the Code of Virginia, in relation to the duties of the board of visitors of the University of Virginia, the salaries of professors, etc.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That section fifteen hundred and forty-six and fifteen hundred and fifty-one of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted to read as follows:

§ 1546. Duties of board; water supply; appointment and removal of president and professors; appointment of bursar and proctor.—The said board shall be charged with the care and preservation of all property belonging to the university. They shall appoint a president, with such duties as may be prescribed by said board, and they shall appoint as man

professors as they deem proper, and, with the assent of two-thirds of the whole number of the visitors, may remove such president or any professor. They may prescribe the duties of each professor, and the course and mode of instruction. They may appoint a bursar and proctor, and employ any other agents or servants, regulate the government and discipline of the students, and the renting of the hotels and dormitories, and, generally, in respect to the government and management of the university, make such regulations as they may deem expedient, not being contrary to law. The said board shall, before making appointment of such president, proctor or professor, give notice thereof for at least thirty days by an advertisement published for four successive weeks in some daily newspaper of general circulation published in the city of Richmond, Virginia, of the time when and the place where such appointment will be made. To enable the proctor and visitors of the university to procure a supply of water, and to construct and maintain a system of water-works, drainage, and sewerage for the university they shall have power and authority to acquire such springs, lands, and rights of way as may be necessary, according to the provisions of chapter forty-six of the Code of Virginia.

§ 1551. Salary of president and professors; salaries and fees.—The president shall receive a stated salary, and each of the professors shall receive a stated salary, and may also receive such additional compensation out of the fees for tuition and other revenues of the university as the visitors may from time to time direct.

2. This act shall be in force from its passage.

CHAP. 136.—An ACT to add an additional section to an act entitled an act to incorporate the town of Courtland, in the county of Southampton, approved January 27, 1888.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That section nineteen be added to an act to incorporate the town of Courtland, in the county of Southampton, approved January twenty-seven, eighteen hundred and eighty-eight, as follows:

§ 19. The said town shall have the right to purchase and hold such real estate as it may deem necessary for cemetery purposes, for street purposes, for public buildings, or for any public purpose allowable by law. And the council of said town shall have the right to sell and convey any sections or lots belonging to it in any cemetery that may be owned by said town, and to sell and convey any other land which the town may own, that has ceased to be used for the purpose for which it was intended, and which the council may desire to dispose of.

2. This act shall be in force from its passage.

CHAP. 137.—An ACT to authorize and appoint a special joint committee of the house and senate to investigate leasing out barren area and exhausted oyster bottom within the Baylor survey.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That W. D. Cardwell, E. C. Jordan, and S. Wilkins Matthews, members of the house of delegates, and Julian Bryant and A. D. Watkins, members of the senate, be, and they are hereby, created and appointed a special joint committee, and are hereby authorized and directed to investigate and report to the general assembly all the facts, as far as they may be able to ascertain them, in connection with the proposed leasing out of the barren area and exhausted oyster rocks, beds, and shoals within the Baylor geodetic survey; and said special joint committee is directed to report specially:

First. How much bottom, if any, there is within the said survey, which was either barren at the time said survey was made or which has become so exhausted by overwork or otherwise as not to be profitable to be worked by the licensed tongmen of the State authorized to work the same, and which will not reseed itself naturally within three years.

Second. How much, if any, of such barren or exhausted bottom is, for any cause, worthless for planting purposes, so that the same will not be applied for by planters.

Third. How much, if any, of such barren or exhausted bottom can be leased out to planters without injuring or endangering the profitable natural oyster rocks within said survey.

Fourth. Whether or not the leasing of such barren or exhausted bottom would be to the best interest of all the people of the State.

Fifth. How much, if any, ground suitable for planting purposes, and which will probably be taken up by the planters, there is outside of the said survey.

Sixth. Any other facts which said committee may deem useful to the general assembly in determining this question.

2. The said committee is authorized to sit during the session of the general assembly, as well as during the vacation of the same, and may employ one clerk and a surveyor, should the said committee deem either or both necessary.

3. The auditor of public accounts is hereby authorized to draw his warrant upon the treasury for the necessary expenses of the said committee, upon certificates signed by the chairman of said committee and attested by its clerk; and there shall be included in said expense a per diem of four dollars for each member of said committee and a like sum for its clerk for each day said committee may be actually engaged in making this investigation during the vacation of the general assembly.

4. The board of fisheries is hereby authorized and directed to render the said committee all the assistance they can, including the use of one of the police steamers.

5. This act shall be in force from its passage.

CHAP. 138.—An ACT regulating the grant of franchise, et cetera, by cities and towns, and providing for the advertisement thereof and the public reception of bids therefor, and providing for the enforcement of the obligations of the grantees, grantors or owners of franchises, and providing penalties for the usurpation of or violation of the terms and provisions of franchises.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That before granting any franchise, privilege, lease or right of any kind to use any public property or easement of any description, except in the case of and for a trunk railway, it shall be the duty of the city or town proposing to make the grant to advertise the ordinance proposing to make the grant (after its terms shall have been approved by the mayor) once a week for four successive weeks in a newspaper published in said city or town, or if no newspaper be published therein, then in some newspaper having general circulation therein, and the ordinance may be also advertised as many times in such other newspaper or newspapers published in or out of the city or State as the council or board of trustees may select and determine upon.

2. Such advertisement shall invite bids for the franchise, privilege or right proposed to be granted in the ordinance, which bids are to be delivered upon a day and hour named in the advertisement to the presiding officer of the council or board of trustees of the city or town, or if there be more than one branch thereof, to the presiding officer of the most numerous branch of the city council, in open session. The costs of the advertising herein required shall be paid by the city or town, which, however, shall be reimbursed by the person or corporation to whom the grant is finally made. The city or town shall have the right to reject any and all bids, and shall reserve this right in the advertisement hereinbefore required: provided, however, that the franchise, lease or right advertised shall be awarded to the highest responsible bidder, unless in the opinion of the majority elected to the council and to each branch thereof, if there be two branches, the public interests will be better served by awarding the same to some other bidder, or by rejecting all bids and advertising anew, and in either such case the reasons therefor shall be spread upon the record or journal.

3. The presiding officer aforesaid shall read aloud, or cause to be read aloud, the bids that have been received, for public information, and shall then inquire if any further bids are offered by those who have already bid or others. If further bids are offered they shall be received, until no further bid is offered, but if not the presiding officer shall declare the bidding closed, and the bids that have been received shall be communicated in due course to the other branch of the city council, if there be another branch. After reference to committee and such other investigation as the council or either branch of the council sees fit to make, it shall be the duty of the council, if it sees fit to make the grant, to accept the highest and best bid, and to enact the ordinance as advertised without substantial variation, except as to the insertion of the name of the accepted bidder: provided, that the council may by a recorded vote of a majority of the

members elected to the council, and to each branch thereof, reject a higher and accept a lower bid, and award the said franchise, right or privilege to the lower bidder if in its opinion some reason affecting the interest of the city or town makes it advisable so to do, which reason shall be itself expressed in the body of the subsequent ordinance granting the franchise, right or privilege; but if after such advertisements no bid or no satisfactory bid shall be made the council may advertise for further bids, and in case no bid at all is made the council may, if it sees fit so to do, enact an ordinance in the manner required by law granting such franchises, rights or privileges to any person or corporation making application therefor: provided, further, however, that the person or corporation to whom any such franchise, right or privilege is awarded, whether by competing bids or otherwise, as hereinbefore provided, shall first execute a bond, with good and sufficient security, in favor of the city or town, in such sum as said city or town shall determine, conditioned upon the constructing and putting into operation and maintaining the plant or plants provided for in the franchise, right or privilege granted.

4. The subsequent ordinance actually making the grant, with a detailed list giving names, amounts and addresses of all bidders, shall be presented to the mayor for his information and for his approval or disapproval, as in the case of all other ordinances.

5. No amendment or extension of any such franchise, right or privilege that now exists, or that may hereafter be authorized, which extends or enlarges such franchise, right or privilege, either as to the time during which it is to last or as to the territory in which it is to be enjoyed, shall be granted by any city until the provisions of this act shall have been complied with; and no amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance granting the franchise, or that authorizes an increase in the charges to be made by such grantee, or assignee, for the use by the public of the benefits of such franchise, shall be granted unless and until notice of such proposed amendment shall be given to the public by advertising the proposed amendment for ten days in some newspaper published in the city or town, or if no newspaper be published therein, then in some newspaper having circulation therein. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

6. The corporation courts of the cities and the circuit courts of the counties in which the towns may be situated shall have jurisdiction by mandamus, according to the provisions of section one hundred and forty-four of the Code of Virginia, to enforce compliance by said cities or towns and by all grantees of franchises, whether now in force or granted under the provisions of this act, with all the terms and contracts and obligations of either party, as contained in franchises. Service of process in such mandamus proceedings may be made upon any agent or employee of such grantees residing in said city or town, or otherwise, as provided by law for service of process on a defendant: provided, however, that such jurisdiction in mandamus shall not preclude any party from bringing any

other suit or action which such party would be entitled to bring without the passage of this act, at law or in equity.

7. Any person or corporation that shall undertake to occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property, or any public easement of any description in any city or town, in a manner not permitted to the general public, without having first legally obtained the consent thereto of the city council or board of trustees, as the case may be, or a franchise therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, each day's continuance thereof to be a separate offense, and the court or justice trying the case shall have power to cause the nuisance to be abated and to commit the offenders and all their agents and employees engaged in such offenses to jail until such order of the court shall be obeyed.

8. This act shall be in force from its passage.

CHAP. 139.—An ACT to amend and re-enact sections 1662, 1663, 1664, 1665, 1666, 1669, 1670, 1672, 1673, 1674, 1675, 1677, 1679, 1680, 1682, 1684, 1685, 1688, 1697, 1702, 1707, and 1710 of the Code of Virginia, 1887, as amended and re-enacted by an act entitled an act to amend and re-enact sections 1660 to 1712, inclusive, of the Code of Virginia in relation to State hospitals for the insane, and the commitment of insane persons, approved March 7, 1900.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That sections sixteen hundred and sixty-two, sixteen hundred and sixty-three, sixteen hundred and sixty-four, sixteen hundred and sixty-five, sixteen hundred and sixty-six, sixteen hundred and sixty-nine, sixteen hundred and seventy, sixteen hundred and seventy-two, sixteen hundred and seventy-three, sixteen hundred and seventy-four, sixteen hundred and seventy-five, sixteen hundred and seventy-seven, sixteen hundred and seventy-nine, sixteen hundred and eighty, sixteen hundred and eighty-two, sixteen hundred and eighty-four, sixteen hundred and eighty-five, sixteen hundred and eighty-eight, sixteen hundred and ninety-seven, seventeen hundred and two, seventeen hundred and seven, and seventeen hundred and ten of the Code of Virginia of eighteen hundred and eighty-seven, as amended and re-enacted by an act entitled an act to amend and re-enact sections sixteen hundred and sixty to seventeen hundred and twelve, inclusive, of the Code of Virginia, in relation to State hospitals for the insane, and the commitment of insane persons, approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1662. Boards of directors; their appointment and terms; quorum; vacancies, how filled; their meetings and compensation.—For each State hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the governor, subject to confirmation by the senate; such board shall have the management of the hospital for which it is appointed, under the supervision and control of the general board of direc-

tors constituted by the Constitution of Virginia, and hereinafter mentioned. The terms of the directors first appointed shall be for two, four, and six years, respectively, from the first day of March, nineteen hundred and three, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years. Appointments to fill vacancies occurring during the term shall be for the unexpired term, and shall be made by the governor, subject to confirmation by the senate, at the next session of the general assembly. Two members shall constitute a quorum of each special board of directors. During each year they shall hold twelve regular meetings at the respective hospitals on or before the fifteenth day of each month: provided, that the time of such meetings shall not be so fixed as to prevent the commissioner of State hospitals from attending all of such meetings. The members of said special boards of directors shall receive for attendance upon the meetings of their respective boards their actual traveling expenses to and from the place of meeting. There shall be a general board of directors for the control and management of all the State hospitals for the insane now existing, or hereafter established, which shall consist of all the directors appointed members of the several special boards. Said general board of directors during each year shall hold one regular meeting at each of the hospitals for the insane. The members of said general board of directors shall receive for attendance upon the meetings of said board their actual traveling expenses to and from the place of meeting. If, however, any director attend a meeting of both the general board and of a special board on the same day, he shall be allowed and paid one expense account for said meeting. No member of any of said boards of directors shall be eligible to any other position in any of the State hospitals during the term for which he was appointed, or for twelve months thereafter: provided, that nothing herein contained shall render one of said directors ineligible to the position of commissioner of State hospitals for the insane.

§ 1663. Superintendents, other officers and employees, how selected, appointed and removed; their pay.—The general board of directors, on the fifteenth day of April, nineteen hundred and three, or as soon thereafter as practicable, and quadrennially thereafter, shall appoint a superintendent for each hospital, who shall be a skilled physician, and who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or for acts performed without authority of law; said general board of directors shall prescribe the compensation of said superintendents. The special board of each hospital, at its July meeting, nineteen hundred and three, or as soon thereafter as practicable, and quadrennially thereafter, shall, subject to the approval of the general board, appoint all other resident officers and prescribe their compensation: provided, however, that said salaries shall not exceed the following amounts: The superintendent of the Western, two thousand two hundred and fifty dollars; the superintendent of the Central, two thousand five hundred dollars; the superintendent of the Eastern, two thousand dollars; and the superintendent of the Southwestern, eighteen hundred dollars, and where they occupy buildings on the grounds or belonging to the respective institutions, they shall pay therefor such rental as may be fixed by the

board of the respective institutions; the first and second assistant physicians shall each receive a salary not exceeding one thousand two hundred dollars per annum; the third assistant physician shall receive a salary not exceeding nine hundred dollars per annum; the stewards of the Western and Central asylums shall each have a salary not exceeding one thousand dollars; and the stewards of the Eastern and Southwestern asylums shall each receive a salary not exceeding eight hundred dollars per annum; the clerks shall receive a salary not exceeding seven hundred and fifty dollars per annum. Said clerks shall perform the duties of secretary to the boards of the respective institutions. The engineer shall receive a salary not exceeding seven hundred dollars per annum.

The officers named in this sub-section shall, in addition to the salaries mentioned, receive their board and lodging at the respective hospitals, but they shall not receive any additional perquisites or emoluments.

The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital, and, subject to the approval of said special board, shall prescribe the compensation of such employees. The compensation of the superintendents, other resident officers and employees aforesaid shall not be reduced during the term for which they were appointed.

§ 1664. Commissioner of State hospitals for the insane; how appointed; term of office; powers, duties, and compensation.—There shall be a commissioner of State hospitals for the insane, who shall be appointed by the governor, subject to confirmation by the senate, for a term of four years. He shall be ex-officio chairman of the general and each of the special boards of directors; but each of said boards of directors shall biennially choose one of their body a chairman pro tempore to preside at their meetings in the absence of the said commissioner. The commissioner of State hospitals for the insane shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall be a skilled accountant, and shall prescribe and cause to be established and maintained at all of the hospitals an uniform, proper, and approved system of keeping the records and the accounts of money received and disbursed and of making reports thereof, and shall at all times have access to such records, accounts and reports; he shall from time to time inspect the hospitals in all their departments; he shall make annually to the governor (to be transmitted to the general assembly) a complete report of the affairs of each hospital, especially as to the condition of buildings and grounds and the conduct of business affairs, furnish estimates of money needed for maintenance, repairs and buildings, and make recommendations for the improvement of the hospitals and their management; he shall discharge such other duties as shall be required of him by law or authorized by the general board. He shall receive a salary of two thousand dollars per annum and necessary traveling expenses (itemized) while in the discharge of his duties, not to exceed the sum of five hundred dollars in any one year, and before entering upon the discharge of the duties of his office he shall enter into bond in the penalty of ten thousand dollars, with security to be approved, con-

ditioned, payable, filed, and recorded as bonds of other State officers are approved, conditioned, payable, filed, and recorded.

Said commissioner shall be removable from office by the governor for misbehavior, incapacity, neglect of official duty or acts performed without authority of law. If a vacancy occur in said office the governor shall appoint a commissioner for the unexpired term thereof, subject to confirmation by the senate. When a vacancy occurs during the recess of the general assembly, it shall be filled by appointment of the governor, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the general assembly; but it shall not be lawful for the governor, when the general assembly is not in session, to appoint any person whose nomination has been previously rejected by the senate.

§ 1665. How funds of hospital kept and quarterly reports.—On the requisition of the special board of directors of each hospital, approved by the commissioner of State hospitals, the auditor shall transfer to some solvent bank or banks to be designated in such requisition, the funds appropriated by the general assembly for such hospital, but not more than one-fourth of such appropriation for any one year shall be so transferred at any one time, nor shall any money be transferred to any such bank by the auditor until such bank has executed and deposited with the auditor a bond payable to such hospital, conditioned to secure the safe-keeping of all money received for the benefit of such hospital in a penalty equal to the amount so to be deposited at any one time, and with security to be approved by the auditor of public accounts.

The special board of directors of each hospital shall make report to the auditor of public accounts quarterly, and oftener if required by the auditor of public accounts so to do, showing the expenditures of money theretofore transferred for the benefit of such hospital.

The bonds given by depository receiving funds for the benefit of hospitals shall be examined by the commissioner of State hospitals for the insane at least once in six months, and if he shall find such bond insufficient he shall report the fact to the auditor of public accounts. Thereupon the said auditor of public accounts shall transfer no other money to such depository until a good and sufficient bond is executed by such depository, unless he shall deem the bond complained of by the commissioner to be good and sufficient.

All other funds received by any hospital shall be in a like manner deposited.

§ 1666. How money appropriated for or belonging to a hospital is disbursed.—The money received by any bank for the benefit of any hospital shall be disbursed by checks drawn by the superintendent of the hospital and approved and countersigned by the chairman of said special board but no check shall be so drawn or approved until the same is authorized by the said special board of directors by an order entered upon the record of the hospital. But nothing in this section shall be construed to prevent the special board of directors, with the approval of the commissioner from depositing with the superintendent a sum sufficient to meet the necessary monthly cash expenditures of said hospital, to be used by him as petty cash and accounted for monthly.

§ 1669. Proceedings before a commission to ascertain insanity.—Any county or corporation judge, or any justice of the peace, who suspects any person in his county or corporation to be insane, or upon the written complaint and information of any respectable citizen, shall issue his warrant, ordering such person to be brought before him, and he shall summon two licensed and reputable physicians (one of whom shall, when practicable, be the physician of the suspected person, and neither shall in any manner be related to him or have an interest in his estate). The judge and the two physicians, or justice and the two physicians, shall constitute a commission to inquire whether such person be insane and a suitable subject for a hospital for the care and treatment of insane persons, and for that purpose the judge or the justice shall summon witnesses. The physicians shall, in presence of the judge or justice (if practicable), by personal examination of such person, and by inquiry, satisfy themselves and the judge or justice as to the mental condition of the patient. If the two physicians do not agree, a third physician shall be summoned.

The depositions of all witnesses, physicians, and so forth, shall be taken under oath.

The report of the commission shall consist of the following statements and questions and answers thereto, and of any further information bearing on the insanity of the suspected person:

First. Name of patient, —; color, —; sex, —; age, —; where born, —; present residence, —; occupation, —; education, —; civil condition, id est married, single, or widowed, —; number of children had (if a female), —; age of youngest child (if a female patient), —; name and address of guardian, nearest friend, or relative, —.

Second. Value of property of self or husband; of parents (if patient is a minor and not an orphan).

Third. Is the patient addicted to the intemperate use of intoxicating liquors, tobacco or drugs, or guilty of any injurious, improper or immoral habits? State to what extent.

Fourth. State fully and in detail any physical symptoms, injury, or disease from which the patient is at present suffering, including (if a female) irregularities, and so forth, of menstruation.

Fifth. Is or has the patient ever been subject to loss of consciousness, epilepsy, or convulsions of any kind, and has the patient ever had any serious illness, blow on the head, or other injury? State as fully and accurately as possible.

Sixth. When did the present attack of insanity begin, and what were the first symptoms?

Seventh. State fully the present symptoms of insanity, particularly whether the patient is violent, destructive, excited, depressed, homicidal, or suicidal. (If homicide or suicide has been attempted or threatened, state when and in what manner.)

Eighth. State any changes which have occurred in the condition of body or mind of the patient since onset of present attack of insanity. If any restraint or confinement has been imposed upon the patient, state nature and duration, whether now in jail, and so forth.

Ninth. If any attacks of insanity previous to the present one, when did they occur? What was the duration, symptoms, and character of each? What was the duration of interval between each attack, and during the intervals was the patient entirely rational and sane?

Tenth. If the patient has ever been an inmate of any hospital or other place of detention and treatment for the insane, state when and where, and whether discharged as recovered or otherwise.

Eleventh. If any of the patient's family or near relatives are, or have been, insane, mentally defective, epileptic, neurotic, and so forth, state the fact, the degree of consanguinity, and whether paternal or maternal.

Twelfth. What, in the opinion of the examining physicians, are the exciting and predisposing causes of the patient's insanity?

Thirteenth. What physician has been attending the patient? What treatment has been given, and with what effect?

Fourteenth. State fully anything else bearing on the case as indicating insanity.

Fifteenth. Is it the opinion of the examining physicians that the patient is insane, and should be placed in a hospital for the care and treatment of insane persons? (Both examining physicians and the judge or the justice shall sign the commitment papers.) Each county or corporation shall be provided with necessary blank forms by the clerk of the court, to be paid for out of funds of the said county or corporation.

The record of proceedings under this section, together with the warrant of commitment, shall be made in duplicate, one copy of which shall be delivered by the judge or justice to the sheriff or sergeant of the county or city, and the other copy filed in the office of the county clerk of the county or clerk of the city court of the city.

§ 1670. What the judge or justice to do if person be insane.—If the commission decides that the person be insane and ought to be confined in a hospital, and ascertain that he is a citizen of this State, then the judge or justice shall order such insane person to be delivered to the care and custody of the sheriff of the county or sergeant of the city, to be safely kept and confined in jail by him until he is conveyed to a hospital for the insane or otherwise discharged from custody; if some responsible person will give bond, with sufficient surety, to be approved by the judge or justice, payable to the Commonwealth, with condition to restrain and take proper care of such insane person without cost to the Commonwealth until conveyed to a hospital or otherwise discharged from custody, then said judge or justice may, in his discretion, commit such insane person to the custody of such person. The judge or justice shall deliver forthwith to the sheriff of the county, or sergeant of the city, a complete copy of the record of the proceedings before the commission, and of the warrant of commitment, and shall forthwith deliver to the county clerk of the county or clerk of the city court of the city another copy of said record, to be preserved in his office by him.

§ 1672. The sheriff or sergeant to whose custody an insane person has been committed, or within whose bailiwick the commission is held, shall forthwith on the same day the person is so adjudged insane make application to an appropriate hospital for the admission and transfer of such

insane person to such hospital, transmitting a copy of the record of proceedings before the commission with such application.

Unless otherwise instructed by the commissioner of State hospitals, the sheriff or sergeant shall make such application to the nearest appropriate hospital. As soon as the record of proceedings before a commission of lunacy, wherein a person is found to be insane, is filed in the office of the county clerk or of the clerk of the city court, that officer shall at once notify the commissioner of State hospitals for the insane, giving the name, age, sex, and color of the insane person, the date of the finding of the commission, and the custody to which such insane person was committed; if such insane person has been committed to jail, and after the expiration of six days from the date of the finding of the commission he or she is still confined in jail, such clerk shall notify the commissioner of State hospitals of the fact.

If the superintendent of a hospital shall fail to send for and convey to his hospital any insane person confined in jail within six days after the commitment of such insane person to jail, then the commissioner of State hospitals for the insane shall forthwith order the sheriff or sergeant in whose custody such insane person is held to convey him to some hospital, designating in his order the hospital to which such insane person shall be taken. It shall be the duty of such sheriff or sergeant to obey such order at once, and the superintendent of such hospital shall receive and care for such insane person.

If any hospital shall become so crowded that it is impossible to accommodate more insane persons therein, then the commissioner of State hospitals shall give notice of the fact to all sheriffs and sergeants, and shall designate the hospitals to which they shall make application for the admission of insane persons; but he shall at all times so arrange that insane persons confined in jail shall be removed to a hospital within ten days if practicable.

Before delivering an insane person to the authorities of a hospital, the sheriff, sergeant, or other person having him in charge shall see that he is clean, free from vermin or any contagious disease and properly clothed.

All insane persons applying for admission to any hospital shall be, when so required by the superintendent of such hospital, delivered to the agent of such hospital at the nearest or most convenient railroad station or steamboat landing at the expense of the county or corporation, or the insane person, if there be any estate.

§ 1673. Conveyance of insane persons to hospitals; expense of transportation, how paid.—When application is made to the superintendent of a hospital for the admission of an insane person, he shall forthwith send a guard from the hospital to conduct such insane person to the hospital, or if for any reason it is impracticable to employ a guard for this purpose, then the superintendent may appoint some suitable person for the purpose, or may order the sheriff or sergeant of the county or city in which said insane person is held to convey him or her to the hospital. If the insane person is conveyed to the hospital by a guard from the hospital, or by some person appointed by the superintendent, a certificate for transportation for guard and insane person shall be furnished by the superin-

tendent of the hospital. If such insane person is conveyed to the hospital by a sheriff or sergeant, then such certificate for transportation shall be furnished by the clerk of the county or corporation court, as the case may be. Such transportation shall be over the route approved by the corporation commission.

A guard, sheriff or sergeant, or other person appointed for the purpose shall receive for conveying an insane person to the hospital only his actual expenses. The cost of conveying insane persons to the hospital shall be paid from the funds appropriated for the support thereof.

§ 1674. Examination of persons adjudged insane.—When a person who has been adjudged insane is admitted to a hospital, he shall be detained until the superintendent and his assistants shall have ample opportunity to observe and examine him, and if upon such examination such authorities are of the opinion that said person is not insane, then such person, unless he be charged with or convicted of crime, shall be returned by said hospital authorities to the county or city from whence said insane person was committed, with a certificate of discharge, and a copy of said certificate shall be forwarded by said superintendent to the clerk of said county or clerk of said city court, to be filed with the commitment papers of said persons.

§ 1675. Any person held in custody as insane may by means of a writ of habeas corpus have the question of the legality of his detention and of his sanity determined by a court of competent jurisdiction. If such person be not held in custody, then he may file his petition in the circuit court of the county or city in which he resides, or in which he was adjudged insane, or before the judge thereof in vacation, and upon such petition, after notice to the authorities of the hospital or to the person claiming the right to the custody of such adjudged insane person, such court or judge thereof in vacation shall determine whether such person be sane or insane.

§ 1677. Terms of admission to hospitals.—On an application on behalf of any person for his admission into a hospital, the examining board may receive him as a patient therein, if the person making the application will execute and deliver an obligation, with sufficient surety (payable to the directors of such hospital by their corporate name), for the payment of such sums of money as may be agreed on between them for the maintenance and cure of such insane person while in the hospital, and for the expenses of his removal thereto or therefrom, when necessary.

§ 1679. Provisions for insane not in State hospitals.—The commissioner of hospitals be, and he is hereby, authorized and empowered to cause insane persons confined in the different jails of the Commonwealth to be supported and maintained outside of the hospitals of the State until they can be provided for therein, and to make all necessary and proper arrangements for their transportation, support, and maintenance.

§ 1680. How expenses paid.—The expenses of removing, supporting, and maintaining such insane persons shall be paid out of the State treasury upon the order of the commissioner of hospitals: provided, that the cost of their maintenance shall not be more than is now paid for their support; but in cases where the insane persons shall have any estate or

effects over and above the support of his or her family, the same shall be applied to the defraying of such expenses, so far as they will go or so far as may be necessary.

§ 1682. Admission of persons charged with crime; certain convicts, afterwards becoming insane, to be confined and treated in the State penitentiary.—If any person charged with crime be found, in the court before which he is so charged, to be insane, and such court shall order him to be confined in one of the State hospitals for the insane, or if a court shall order any person charged with crime to be confined in one of the State hospitals, he shall be received and confined if, or so soon as, there is a vacancy therein. The sheriff or other officer of the court by which the order is made, shall immediately proceed in the manner directed by section sixteen hundred and seventy-two, to ascertain whether such vacancy exists, and until it is ascertained that there is a vacancy, such insane person shall be kept in the jail of such court. If any person convicted of crime and sentenced to confinement in the State penitentiary become insane during the term for which he has been so convicted and sentenced, he shall be confined and treated in a special ward in the State penitentiary to be set aside and reserved for such insane criminals.

§ 1684. Re-examination of such insane persons.—If the person giving any bond mentioned in the preceding section, or section sixteen hundred and seventy, or his representative, shall deliver the insane person therein mentioned to the sheriff of the county or sergeant of the corporation, according to the condition of the bond, such sheriff or sergeant shall carry the insane person before a judge or justice of his county or corporation, and the same proceedings shall be thereupon had as in the case of a person brought before a judge or justice under his warrant under section sixteen hundred and sixty-nine.

§ 1685. Conveyance of insane person to hospital by other person than officer.—If such person or his representative shall desire to carry the insane person to a hospital, he shall proceed in the manner in which the sheriff or sergeant, to whom an insane person is delivered under the preceding section, is thereby required to proceed, and shall have the same powers and perform the same duties as those of a sheriff or sergeant in such case; the same course shall be pursued when the insane person arrives at the hospital as if he had been carried there by a sheriff or other officer as aforesaid.

§ 1697. When person adjudged insane, court to appoint committee of him.—If a person be found to be insane by a judge or justice of the peace before whom he is examined, or in a court in which he is charged with crime, as aforesaid, the court of the county or corporation of which he is an inhabitant shall appoint a committee for him.

§ 1702. Powers and duties of committees.—The committee of an insane person shall be entitled to the custody and control of his person (when he resides in the State, and is not confined in a hospital or jail), shall take possession of his estate, and may sue and be sued in respect thereto, and for the recovery of debts due to or from the insane person. He shall take care of and preserve such estate and manage it to the best advantage; shall apply the personal estate, or so much as may be neces-

sary, to the payment of the debts of such insane person, and the rents and profits of the residue of his estate, real and personal, and the residue of the personal estate, or so much as may be necessary, to the maintenance of such insane person and of his family, if any; and shall surrender the estate, or so much as he may be accountable for, to such insane person, if he shall be restored to sanity, or the real estate to his heirs or devisees, and the personal estate to his executors or administrators, in case of his death without having been restored to sanity.

§ 1707. Payment of expenses of insane infants and married women.—The expenses of an insane infant (not paid by his committee) or of a married woman incurred in his or her removal, maintenance, or care, shall be paid within the time specified in the preceding section to such person as the board of directors of the hospital may designate, or into the public treasury, as the case may be, by the guardian, if there be one who has sufficient funds in hand, or if no guardian having sufficient estate of such infant, then by his father, or if no father, by his mother, or by the husband of an insane wife. If the husband has no sufficient estate the same shall be paid out of any estate of the wife liable for her maintenance and support.

§ 1710. Restriction on the commissioner, directors, officers, and employees.—Neither the commissioner of State hospitals for the insane, nor any director, officer, or employee of a hospital, shall be personally interested in any contract in relation to the said hospital or its support.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 140.—An ACT to authorize the city of Charlottesville to close a street in said city known as Fifth street.

Approved April 7, 1903.

Whereas, it is proposed by the Chesapeake and Ohio Railway Company to erect a new depot in the eastern part of the city of Charlottesville, provided certain changes can be made in some of the streets of said city, and one of said streets entirely closed; and,

Whereas, the council of said city of Charlottesville has applied for the right to close the street in question with the view of promoting the public interest,

1. Be it enacted by the general assembly of Virginia, That the municipal authorities of the city of Charlottesville, Virginia, be, and they are hereby, authorized to close and discontinue Fifth street, east, in said city at the point where said street intersects the track of the Chesapeake and Ohio Railway Company—this to be done at such time as said municipal authorities may determine that the interest of the public requires it.

2. This act shall be in force from its passage.

CHAP. 141.—An ACT to amend and re-enact section 10 of the charter of the city of Manchester, approved March 20, 1874.

Approved April 7, 1903.

1. Be it enacted by the general assembly of Virginia, That section ten of the charter of the city of Manchester, approved March twentieth, eighteen hundred and seventy-four, be amended and re-enacted so as to read as follows:

§ 10. The mayor shall see that the ordinances of the city council are faithfully executed and enforced, and that all offenders against or violators of such ordinances are punished as directed by such ordinance. He shall, by virtue of his office, possess all the authority in criminal and civil cases of a justice of the peace of the said city, in addition to the power given to him by virtue of this act or that may hereafter be given to him by virtue of any other act of assembly.

2. This act shall take effect July first, nineteen hundred and three.

CHAP. 142.—An ACT to repeal the charter of the town of Bowling Green, in the county of Caroline.

Approved April 9, 1903.

1. Be it enacted by the general assembly of Virginia, That the act approved April second, nineteen hundred and two, providing a charter of incorporation for the town of Bowling Green, in the county of Caroline, entitled "an act for the incorporation of the town of Bowling Green, in the county of Caroline," be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 143.—An ACT to prohibit the manufacture or sale of intoxicating liquors within two miles of the village of Carson, Dinwiddie county, Virginia.

Approved April 10, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, corporation, or co-partnership to manufacture and sell, or offer to sell, by sample or representation, or otherwise, any wine, spirituous or malt liquors, or any mixture thereof, within two miles of the village of Carson, in the county of Dinwiddie, Virginia.

2. And no license shall be granted for the manufacture or sale of any wine, spirituous or malt liquors, or any mixture thereof, within two miles of the said village as aforesaid.

3. If any person, corporation, or co-partnership violate any of the provisions of this act, such person, corporation, or co-partnership shall be liable to all the penalties imposed by the statute laws of this Commonwealth for the sale of ardent spirits without license.

4. This act shall be in force from its passage.

CHAP. 144.—An ACT incorporating the town of Bowling Green, in the county of Caroline.

Approved April 10, 1903.

1. Be it enacted by the general assembly of Virginia, That all the territory in the county of Caroline, contained within the following limits, namely: Beginning at the grain yard on top of Mill hill, owned by S. W. Broadus, and running to the northeast corner of the Baptist parsonage lot; thence westwardly along the line of said lot and G. R. Collins' land to the county road; thence west across said road in a straight line to an icehouse owned by E. C. Moncure; thence southwest to E. C. Moncure's barn; thence south in a straight line to a dam across E. J. Anderson's ice pond; thence south in a straight line to E. J. Anderson's spring; thence south along the line between E. J. Anderson's and C. W. Collins' to Milford road; thence east up said road to Anderson's avenue; thence across said road and along the line between the lands of J. M. Hudgin and A. L. Jones to the line of John W. Murray; thence east in a straight line to a cherry tree in rear of A. A. Anderson's lot; thence east in a straight line to L. T. Wright's barn; thence east to the brick yard in A. B. Chandler's field, formerly owned by J. T. White; thence north in a straight line to the beginning, shall constitute the town of Bowling Green, and the inhabitants within the said boundaries shall be a corporation under the name and style of "Bowling Green," and the forty-fourth and forty-sixth chapters of the Code, edition of eighteen hundred and eighty-seven, and amendatory acts thereof, as far as consistent with this act, shall be applicable to said town.

2. The government of said town shall be vested in a mayor and seven councilmen and such other officers as may be provided for by law. The mayor and council—Mister T. D. Coghill is hereby appointed mayor thereof; Mister E. B. Collins, town sergeant, and Messrs. James T. Richards, John W. Elliott, C. L. Collins, T. B. Gill, R. D. Vincent, W. L. Broadus, and James W. Barlow are hereby appointed councilmen thereof. The members of the council shall serve without pay, and the mayor and town sergeant shall receive such compensation as the councilmen shall prescribe; the said mayor, town sergeant, and councilmen shall have and exercise all the powers hereinafter granted to said officers, and shall continue in office until the first day of July, nineteen hundred and four, and thereafter until their successors shall be elected and qualified according to law. A majority shall constitute a quorum for the transaction of the business of said board of councilmen or trustees. The mayor and councilmen shall constitute the board of trustees or council of said town.

3. It shall be lawful for the residents of said town, qualified to vote for all officers elective by the people under the Constitution of this Commonwealth, at the courthouse in said town, or such other place as may be designated by the trustees of said town, on the fourth Thursday in May, nineteen hundred and four, and thereafter as provided by law, to elect by ballot, under the provisions, as far as practicable, of chapter ten of the Code of eighteen hundred and eighty-seven, unamended, a mayor and

town sergeant, and seven fit, discreet, and able men, being freeholders and inhabitants of said town, to serve as trustees thereof. It shall be the duties of the judges conducting said election to certify the returns of the same as provided in chapter ten of the Code of Virginia, and deliver one poll-book, together with the ballots cast, both sealed, to the clerk of the county court of Caroline county, and to deliver the other poll-book, sealed, to the mayor of said town. And it shall be the duty of the board of commissioners of election provided for by chapter ten of the Code of Virginia to examine the said poll-book returned to the said clerk, and certify the result of said election in the same manner they do all other elections held in the county of Caroline; and the clerk of the county court of Caroline shall award certificates of election to the persons thus declared to have been elected. In case of contest of election, the same shall be conducted as in cases of contest for county offices. The persons so elected shall, before entering upon the duties of their office under the authority of this act, respectively, take an oath well and truly, faithfully and impartially to do, execute, and perform the duties of their several offices, as prescribed by this act, to the best of their skill and judgment, and no other oath shall be required; and shall, within fifteen days after their election, proceed to choose out of their own body one person to preside at their meetings, who shall be the president of the board of trustees, for twelve months from the first day of the next succeeding July, and give the casting vote at any legal meeting of the trustees of said town whenever they are equally divided, and shall otherwise vote upon any measure or proposition pending before the said board of trustees. The person so elected president of the board of trustees shall be, and is hereby, invested, in the absence of the mayor, with the powers and authority of a justice of the peace within the corporate limits of said town, and for one mile beyond the said corporate limits; to have and exercise the like jurisdiction in all cases whatsoever originating within said limits as a justice of the county now or may hereafter have; and it is hereby made the duty of said mayor, acting as a justice of the peace as aforesaid, and in his absence the president of the board of trustees, to suppress all disturbances, riots, and disorderly conduct within the boundary of said town, and for one mile beyond the same, in accordance with the laws of this Commonwealth, or by the imposition of such fines and penalties as he may be authorized by the by-laws or ordinances of said town; and for all fines imposed under this charter, or the ordinances of said town passed in pursuance of this charter, the said mayor, or president of the board of trustees when acting in his stead, if the said fines are not at once paid, may issue an execution for the same, or at his election may commit the party fined to the county jail until the fine and costs are paid. The said town shall pay the expenses of said imprisonment when the same is ordered for a violation of a town ordinance; but no imprisonment for violation of a town ordinance shall be for a longer period than six months. The said mayor, or president of board of trustees, shall issue process, hear and determine all prosecutions, cases, and controversies arising under the by-laws and ordinances of said town, saving to the party convicted the right of appeal to the county court of Caroline county in all cases whatsoever, wherein the fine or judgment shall exceed the sum of ten dollars.

Appeals shall be taken in the same time and manner, and upon the same terms that appeals are now or may hereafter be taken by law from judgments of a single justice of the peace.

4. Be it further enacted, That should it so happen that an election of trustees of said town be not made at the time prescribed for a biennial election, then the mayor and trustees last elected shall remain in office until the next succeeding time, as hereinbefore prescribed, for a biennial election, or until a new election shall be had.

5. Be it further enacted, That the mayor, or any two of said trustees, shall have power to call a special meeting of said trustees so often as occasion may require, which meeting shall be composed of not less than five members, and all questions before a special meeting of said trustees shall be decided by a majority of trustees present, each having one vote.

6. Be it further enacted, That the trustees of said town shall have power and authority to establish markets and regulate the same; to improve the streets, walks, and alleys thereof; to provide against and prevent accidents by fire, and for that purpose to establish and organize fire companies and purchase engines; to prevent and punish, by reasonable fines, the practice or act of firing guns, running or riding horses at an unusual gait or speed in said town; to license and regulate shows and other public exhibitions, and the same to tax in such reasonable manner and extent as they may deem expedient; to appoint all such officers as may be necessary for conducting the affairs of said town, not otherwise provided for by this act, and to allow them such compensation as they may deem reasonable; and, finally, to make all such by-laws, rules and regulations as they may deem necessary and proper for the good government of said town: provided, they be not contrary to or inconsistent with the Constitution and laws of this Commonwealth or of the United States, and the same to amend, repeal, or enforce, by reasonable fines and penalties, not exceeding for any one offense the sum of ten dollars, to be recovered, with costs, in the name of the mayor and trustees aforesaid, before the mayor, or president of the board of trustees in the absence of the mayor, and by him applied in aid of the taxes imposed upon said town.

7. Be it further enacted, That the said trustees, thus constituted, shall have power to assess and collect an annual tax within the said town for the purposes before mentioned, on all such property, vocation, profession, or business, as is now subject to taxation by the revenue laws of this Commonwealth: provided, that the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars' value thereof, and one dollar on all tithables within said town: and provided also, that the tax to be imposed on all other property and inhabitants of said town, subject to taxation as aforesaid, shall not exceed the taxes on the like subjects now imposed by the revenue laws of this Commonwealth, and shall not be subject to any county tax, unless such excess shall have been authorized by a majority of the inhabitants of said town, and the owners of real estate therein, qualified as aforesaid to vote for trustees thereof. And, moreover, it shall be competent for said trustees to conduct and distribute water into and through said town, upon the request or assent of the majority of the qualified voters thereof; such request or assent to be ascer-

tained in such manner as the said trustees may deem best calculated to obtain a full expression of opinion upon the subject.

8. Be it further enacted, That the town sergeant may appoint a deputy or deputies, subject to the approval of the board of trustees, and he and they shall have and possess the like right of distress and powers in collecting the said taxes, service, and return of process arising under the authority of this act, or of any by-law made in pursuance thereof, and shall be entitled to the same or like fees and commissions as are allowed by law to constables for similar duties and services. The sergeant shall execute bond with approved surety in such penalty as said trustees shall deem necessary, payable to them and their successors in office, conditioned for the faithful discharge of his duties and payment over of said taxes and other moneys by him or his deputies collected or received by virtue of his office; and he and his securities, his and their executors, or administrators, shall be subject to such proceedings, by motion or otherwise, before the county court of the county of Caroline, for enforcing the payment of such taxes, or other moneys by him or his deputies collected or received as aforesaid at the suit or motion of the said mayor and trustees, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.

9. Be it further enacted, That in case of the misconduct of any officer of said town, appointed by the trustees thereof under the authority of this act, they, the said trustees, shall have power to remove the offender and supply the vacancy thereby occasioned; and in case of the office of trustee of said town, such vacancy shall be filled, within thirty days, by an election made by the trustees of said town as aforesaid.

10. Be it further enacted, That in order the better to determine what persons are liable to taxation in said town, it is hereby declared that all persons liable to taxation as hereinbefore provided, and residing in said town, annually, between the first day of March and the first day of April, shall be subject to taxation the then current year.

11. And be it further enacted, That all fines, penalties, and amercements, and other moneys received, or raised by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of the mayor and trustees for the use and benefits of the said town.

12. Be it further enacted, That it shall be the duty of the mayor of said town to see that all the ordinances passed by the board of trustees in pursuance to this charter are faithfully executed and performed; and all ordinances passed by the board of trustees shall, within five days from their passage, be submitted to the mayor by the board of trustees, and by him approved or vetoed within five days after they shall have been so presented to him, and returned to the president of the board of trustees; and if approved, this fact shall be entered by the board at their next succeeding meeting on the minutes of said board, and said ordinance shall then become from said date valid, and if said mayor shall disapprove of said ordinance, he shall, in like manner, return the same to the president of the board with his objections stated in writing, and the president of the board shall, at the next meeting of the board, present said ordinance to it, with the objections of the mayor thereto, when the board shall again consider the same, and if the same is again passed by a vote of two-thirds of

all the members elected on said board, said ordinance shall become a law of said town, notwithstanding the objections of the mayor to the same.

13. All acts and parts of acts inconsistent herewith are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 145.—An ACT to authorize the board of supervisors of the several counties of the State to retire outstanding bonds and to issue new bonds at the same or a lower rate of interest.

Approved April 15, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever the bonds of any county, whether heretofore or hereafter issued, become payable and it is desired by the board of supervisors of such county to retire them and to issue new bonds for the payment thereof at the same or a lower rate of interest, they are hereby authorized and empowered to do so. Such new bonds shall recite on their faces the date of the act authorizing the issue of the bonds to be retired or paid thereby, as well as the date of this act, and any other fact preserving the identity of the debt. Such new bonds may be made payable or redeemable at such time or times as the board of supervisors may deem best, but in no event shall such new bonds run for a longer period than fifty years from their date.

2. The treasurer of a county shall for receiving and disbursing the fund received from the sale of the bonds and for cancelling the old bonds receive one-fourth of one per centum on the amount of the bonds sold.

3. This act shall be in force from its passage.

CHAP. 146.—An ACT to amend and re-enact an act entitled an act to provide for the garnishment of and levy of execution on wages and salaries of the State officials, clerks, and employees, approved February 24, 1900.

Approved April 15, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter five hundred and eleven of the acts of assembly, eighteen hundred and ninety-nine and nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1. That the wages and salaries of all officials of this State, their clerks and all employees of this State, shall be subject to garnishment or execution upon any judgment rendered against them: provided, said officials, clerks, and employees are not exempt from garnishment or levy under chapter one hundred and seventy-eight of the Code of Virginia.

§ 2. Whenever the salary or wages of such officials, clerks, or employees as above mentioned shall be garnisheed under this act, the process shall be such as is usual in the other cases of garnishment, and shall be served on the judgment debtor and on the auditor of public accounts, or other officer through whom the judgment debtor's salary or wages is paid, and

upon such service the auditor or such other officer shall, on or before the return day of process, transmit to the clerk of the court or justice issuing the process a certificate showing the amount due from the State to such judgment debtor, up to the return day of the process, which amount said auditor shall hold subject to order of the court or justice issuing the process. Said certificate shall be evidence of all facts therein stated, unless the court or justice direct that the deposition of the auditor, or such other officer through whom the judgment debtor's salary or wages is paid, be taken, in which event the deposition of said auditor or such other officer shall be taken in his office and returned to the clerk of the court in which the garnishment is or to the justice issuing the process, just as other depositions are returned, and in no such case shall the auditor or other such officer be required to leave his office to testify.

§ 3. In all proceedings under this act, if the judgment be for the plaintiff, the amount found to be due the judgment debtor by the State shall be paid as directed by the court or justice.

2. This act shall be in force from its passage.

CHAP. 147.—An ACT to put into effective operation the provisions of the Constitution relating to the creation, appointment and organization of the "State Corporation Commission," its jurisdiction, powers, functions and duties; the qualification of the members and officers thereof, their appointment and salaries; the location of its offices, and places and times of its public sessions; its writs, processes, orders, findings and judgments; appeals from its orders, findings and judgments, and its expenses, etc.

Approved April 15, 1903.

Be it enacted by the general assembly of Virginia as follows:

1. That as used in this act the term "corporation" or "company" shall include all corporations chartered by the acts of the general assembly of Virginia, or under the general incorporation laws of this State, or doing business therein, and all trusts, associations, and joint-stock companies, having any powers or privileges not possessed by individuals or unlimited partnerships, and shall exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean a charter of incorporation by or under which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing, or operating for hire, a railroad, street railway, canal, steamboat, or steamship lines, also any freight-car company, car association or car trust, express company, or company, trustee, or person in any way engaged in business as a common carrier over a route acquired, in whole or in part, under the right of eminent domain; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat, and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley, or public highway, whether along, over, or under the same, in a manner not permitted to the

general public; the term "person" as used in this act shall include individuals, partnerships, and corporations, in the singular as well as in the plural number; the term "the commission" shall be construed to mean the "State Corporation Commission," and the word "officers," when used in connection with said commission, shall be construed to mean any clerk, bailiff, assistant, or other appointee of the State Corporation Commission.

2. That the governor shall, at least fifteen days before the first day of February, nineteen hundred and four, and at least fifteen days before the first day of February in each alternate year thereafter, appoint, subject to the confirmation of the general assembly, in joint session, a citizen of this State, possessing the qualifications prescribed by the Constitution and by law to be a member of the "State Corporation Commission" (which shall be composed of three members), and whose term of office shall be that prescribed by the Constitution, and shall begin on the first day of February next succeeding his appointment and confirmation, except in the case of an appointee to fill a vacancy, or where the general assembly fails to confirm an appointee to a full term of office before the date fixed by law for the commencement of his said term of office; in either case the term of office of any such appointee shall begin from the date of his qualification, and shall be for the unexpired portion of the term of office to which he shall be so appointed and confirmed. The members of the commission first appointed and confirmed, and those hereafter appointed and confirmed, shall hold office for the respective terms for which they have been, or may hereafter be, appointed, and until their respective successors in office have been appointed, confirmed, and qualified, unless they shall sooner be removed from office as prescribed by the Constitution or by law. The governor shall commission each of the members of the commission, and said commission shall be filed by the members in the office of the clerk of the commission.

3. That no person shall be eligible to serve as a member of the State Corporation Commission who, on the date of the commencement of his term of office, shall be employed by or hold any office in relation to any transportation or transmission company, or is in any way financially interested therein, or is engaged in the practice of law; nor shall any person be eligible to appointment as a member of the commission unless at the time of his appointment he is a qualified voter under the Constitution and laws of this State. One of the commissioners shall have the qualifications prescribed for judges of the supreme court of appeals.

4. That the members of the commission and the officers thereof, for whose appointment provision is made either by the Constitution or by law, before entering upon the discharge of the duties of their respective offices, shall, in addition to the oath prescribed by section thirty-four of the Constitution, severally take and subscribe the following oath, to-wit:

"I, ———, do solemnly swear (or affirm) that at the present time I am not employed by, and do not hold any office in relation to, any transportation or transmission company, and have not in any wise any financial interest in any such company, and am not engaged in the practice of law, and that during the term of my office as ——— I will not either, directly or indirectly, be employed by or hold any office in relation to any transportation or transmission company, or in any wise be financially in-

terested in any such company, or be engaged in the practice of law, so help me God."

But the said additional oath shall be taken and subscribed by the first members of the commission and by the officers thereof as soon as practicable after the passage of this act.

The oaths prescribed by the Constitution and this act may be taken and subscribed before any officer authorized by the laws of this State to administer oaths, and shall be certified by such officer and recorded on the minutes of the proceedings of the commission, and then returned by its clerk as required by law as to the oaths of other State officers.

5. That the offices of the commission shall be located, and its public sessions held, in the city of Richmond, and all notices, writs, and processes issued by the commission shall be made returnable to, and command the corporation or person against whom directed to appear before the commission and answer on a certain day to be named therein: provided, however, the commission may, in its discretion, if public necessity or the convenience of the parties require, hold public sessions elsewhere in the State, and may order any notice, writ, or process to be made returnable to the place of any such session; and for the holding of any such session the commission may occupy the court-room of the courthouse of the city or county wherein such session may be held if said court-room shall not at the time be in use for the sessions of the court of any such city or county.

6. That the rooms in the State library building now occupied as offices by the railroad commissioner shall be the offices of the commission, its clerk, bailiff, assistants, and subordinates until otherwise provided by law, and the register of the land office is hereby directed to have the said rooms fitted up in a suitable manner for the use and occupation of the commission and its officers. And the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any moneys in the treasury not otherwise appropriated.

7. That the commission shall have a clerk, a first assistant clerk, a bailiff, and a stenographer (who shall also be a typewriter), each of whom shall have the qualifications for office, be clothed with the power, discharge the functions and perform all the duties hereinafter prescribed, and such other duties as may be prescribed or required by the commission, and all of whom shall be appointed by the commission, and whose respective terms of office shall be as prescribed by the commission, and they shall be subject to removal by the commission as hereinafter in this act provided. The officers so appointed shall hold office until their successors have been appointed, qualified, and given bond as required by law, unless they shall sooner be removed from office, as hereinafter provided.

8. That the officers of the commission shall at the time of their appointment be actual residents of this State, and qualified voters therein, under the Constitution and laws thereof.

9. That, the persons appointed, confirmed, and commissioned to be the first members of the commission under the provisions of section one hundred and fifty-five of the Constitution shall, as soon as practicable, meet in the office now used by the railroad commissioner and organize by taking and subscribing the oaths of office prescribed by the Constitution and by

this act, and elect one of their number as chairman of the commission, appoint a clerk, a first assistant clerk, a bailiff, and a stenographer; and when organized the commission shall have all the powers, discharge all the functions, and perform all the duties prescribed by the Constitution and by law.

10. That if any person heretofore or hereafter appointed and confirmed to be a member of the commission, or if any person appointed an officer of the commission, shall fail to qualify as required by the Constitution or by law, or to give any bond required by law of any such officer within thirty days after the date fixed by the Constitution or by law, as the commencement of the term of office to which he shall be appointed, then such office shall because of such failure to qualify, or to give any required bond within the time aforesaid, become vacant, and such vacancy shall, in the case of members of the commission, be filled as prescribed by section one hundred and fifty-five of the Constitution, and in the case of officers and appointees of the commission, be filled by appointment of the commission.

11. That the clerk of the commission shall keep a minute book in which shall be recorded all the proceedings, orders, findings, and judgments of the public sessions of the commission, and the minutes of the proceedings of each day's public session shall be read and approved by the commission and signed by its chairman, or acting chairman; he shall, subject to the supervision and control of the commission, have custody of and preserve all of the records, documents, papers, and files of the commission, or which may be filed before it in any complaint, proceeding, contest or controversy, and said records, documents, papers, and files shall be open to public examination in the office of said clerk to the same extent as the records and files of the courts of this Commonwealth; he shall, when requested, make and certify copies from any record, document, paper, or file in his office, and if required, affix the seal of the commission thereto, and except when made at the instance of the commission or on behalf of the Commonwealth, he shall charge and collect the same fees as are fixed by law for like services rendered by the clerks of the courts of this Commonwealth, and any such copy, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof; he shall certify all allowances made by the commission to be paid out of the public treasury for witness fees, service of process, or other expenses; issue all notices, writs, processes or orders awarded by the commission, or authorized by law, or by the rules of the commission; he shall receive all fines and penalties imposed by the commission, all moneys collected on judgments, all registration fees required by law to be paid by corporations, all fees collected by any officer of the commission, and the tax on the seal of the commission, and shall keep an accurate account of the same and what disposition has been made thereof, together with all fees collected by him for services rendered, either by him or his assistants, and shall, at least once in every thirty days during his term of office, render a statement of all such receipts and collections to the auditor of public accounts, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all

such other reports thereof as may be required by law or by the regulations prescribed by the auditor of public accounts; and generally shall have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the commission.

12. That the first assistant clerk of the commission shall have the powers, discharge the functions, and perform the duties in all matters within the jurisdiction of the commission of a deputy clerk of a court of record, and shall perform as well the duties of the clerk of the commission during the absence of said clerk, and in case of the death, resignation, incapacity, or removal from office of the clerk, he shall be the acting clerk of the commission until the vacancy in the office of clerk shall be filled.

13. That the bailiff of the commission shall, in all matters within the jurisdiction of the commission, have the powers, discharge the functions, and perform the duties of a sheriff or sergeant under the law; he shall preserve order during the public sessions of the commission, and may make arrests and serve and make return on any writ or process awarded by the commission, and execute any writ, order, or process of execution awarded upon the findings or judgments of the commission in any matter within its jurisdiction.

14. The stenographer and other assistants and subordinates of the commission shall perform the duties required of them by law or by the commission, under its rules, regulations, and requirements.

15. The commission shall require its clerk, first assistant clerk, and bailiff, before entering upon the discharge of the duties of their respective offices, each to enter into bond, with surety to be approved by the commission, in such penalty as the commission may deem sufficient (not in any case less than five thousand dollars), conditioned for the faithful performance of the duties of their respective offices, and for the prompt and full accounting for and payment into the treasury of all moneys received by them, respectively, as officers of the commission. The said bonds shall be made payable to the Commonwealth, and may be proceeded on and enforced in any circuit or corporation court in like manner as the official bonds of other officers of this Commonwealth, or of its courts. Said bonds shall be recorded in the record of the proceedings of the commission, and the original bonds transmitted by its clerk to the auditor of public accounts, who shall file and preserve the same in his office.

16. The commission shall have power and authority to require, by its rules, regulations, and requirements, all corporations chartered under the laws of this State, and all foreign corporations, doing business in this State, to perform and discharge any public duty or requirement imposed upon such corporations by the Constitution, or by law, and may require all such corporations to furnish such reports to the commission as may be provided by the Constitution, or by law, and the commission may enforce against any such corporation, by its judgments and processes, any fine or other penalty imposed by law for the failure of any such corporation to perform any public duty required of it, or to comply with any requirement of law, or any lawful regulation of the commission in reference to the same. The commission may require the establishment by

transportation companies of separate waiting rooms at all stations, wharves, or landings for the white and colored races.

17. It shall be the duty of the commission to make inquiry and examination from time to time into the acts and proceedings of railroad, canal, steamboat, steamship, or other transportation companies, and other chartered common carriers and transmission companies, doing business in this State, their officers and agents, for the purpose of ascertaining whether anything has been done or omitted in violation or contravention of their charters, or of the law.

18. The commission shall examine all the railroads and the works and equipment thereof, and the works and equipment of all other transportation companies, and keep itself informed as to their physical condition and the manner in which they are operating with reference to the security and accommodation of the public, and the compliance of the several companies with the provisions of their charters and the laws of the Commonwealth. And the provisions of this section shall apply to all railroads and other transportation companies, and to the corporations, trustees, receivers, or other person owning or operating the same.

19. Whenever, in the judgment of the commission, it shall appear that any transportation or transmission company has violated any law of this State, or has neglected in any respect or particular to comply with the terms of its charter, or with the provision of any of the laws of the Commonwealth, it shall give notice thereof in writing to such company or the person operating the same; and if the violation or neglect be continued after such notice, the commission shall take such proceedings and impose such fines or penalties within its jurisdiction as shall be necessary to compel such transportation or transmission company to comply with the terms of its charter and the provisions of the laws of the Commonwealth.

20. Whenever in the judgment of the commission it shall appear that repairs are necessary upon any railroad, or that any addition to its rolling stock, or addition or improvement in the equipment of any other transportation line, or any enlargement of or improvement in the stations or station houses, waiting rooms, wharves or landings, or any change in the mode of operating the road, or other transportation line, and conducting its business, is reasonable and expedient in order to promote the security and accommodation of the public, it shall give ten days' notice in writing to the company or person operating the road, or other transportation line, of the improvements and changes which it adjudges to be proper, designating when and where the contemplated action in the premises will be considered and disposed of, and such company or person shall be afforded a reasonable opportunity to introduce witnesses and to be heard thereon, and any such company or person failing or refusing to obey any valid order or requirement of the commission in the premises within such reasonable time, not less than ten days, as shall be fixed in the order of the commission, it may impose upon any such company or person the fines and penalties prescribed by the Constitution and by law for its or his failure to obey the orders and requirements of the commission and the requirements of the law, and enforce the payment and collection thereof by its judgments and processes.

21. Upon the complaint and application of the mayor or council of any

city or town, or the board of supervisors of any county within which any part of any transportation or transmission line is located, it shall be the duty of the commission to make an examination of the physical condition and operation thereof. Before proceeding to make such examination in accordance with such application, the commission shall give to the applicants and the corporation or person operating any such line reasonable notice in writing, of the time and place of entering upon the same. If upon such examination it shall appear to the commission that the complaint alleged by the applicant is well founded, it shall so adjudge and shall notify such corporation or person of its adjudication; and if such corporation or person fail for sixty days after such notification to remove the cause of complaint, the commission shall impose the fines and penalties provided by the Constitution and by law for its failure to obey the orders and requirements of the commission, and enforce the collection thereof by its judgments and processes.

22. That in all complaints, proceedings, contests, or controversies by or before the commission, whether instituted by the Commonwealth or by the commission of its own motion, the Commonwealth shall be complainant, and the party against whom the complaint is preferred, or the proceeding instituted, shall be the defendant. Any party complainant or defendant in any complaint, proceeding, contest or controversy shall be entitled to process, to convene parties, compel the attendance of witnesses, or the production of books and papers, in any proceeding or hearing before the commission.

23. That the commission, on hearing of all complaints, proceedings, contests, or controversies, in which it shall be called upon to decide or render judgment in its capacity as a court of record, shall observe and administer the common and statute law rules of evidence as observed and administered by the courts of this Commonwealth, in like manner as complainants and defendants in the courts of this Commonwealth.

24. That any person who shall wilfully swear falsely touching any material fact or matter in any complaint, proceeding, investigation, contest or controversy instituted or pending before the commission shall be deemed guilty of perjury.

25. That the commission shall cause its rules of order and procedure to be entered upon the records of its proceedings and to be printed, as well as all amendments and additions to the same, and shall furnish copies thereof to county and city clerks and to any citizen of this State upon application therefor.

26. That the commission, before entering any judgment for any fine or penalty imposed by law shall summon or rule the party upon whom such fine or penalty is sought to be imposed to appear before the commission at some public session to be designated in the process, to show cause against such fine or penalty, and why the same should not be imposed and judgment rendered therefor: provided, that the provisions of this section shall not apply to contempts committed in the presence of the commission while in public session; and before the commission shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such order, rule, regulation, or requirement shall first be given by the

commission at least ten days' notice of the time and place when and where the contemplated action of the commission in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done; and before the commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week for four consecutive weeks, in one or more newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement made by the commission shall be published at length for the time and in the manner above specified before it shall go into effect, and shall also, as long as it remains in effect, be published in each subsequent report of the commission. Any corporation failing or refusing to obey any valid order or requirement of the commission within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission such sum, not exceeding five hundred dollars, as the commission may deem proper, or in such sum in excess of five hundred dollars as may be prescribed or authorized by law; and each day's continuance of such failure or refusal after due service upon such corporation of the order or requirement of the commission shall be a separate offense: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties: provided, further, that the power of the commission to impose the penalties prescribed by the Constitution, or by the law, for the failure or refusal of any corporation to obey its valid orders and requirements, shall not be construed to relieve any company or corporation from the penalties now prescribed or hereafter to be prescribed by law for the failure or refusal of any such company or corporation to perform any public duty or requirement prescribed, or which may be prescribed by any law of this State, but that such penalties may be enforced by the commission in addition to the penalties authorized to be imposed by the Constitution and by law for failure or refusal to obey any of its valid orders or requirements.

27. The commission shall have power and authority in all matters of which it has jurisdiction under the Constitution, or the laws of this Commonwealth, to render and enter up judgment for fines and penalties, or for the recovery of money, in any complaint, proceeding, contest, or controversy, whether instituted of its own motion or otherwise, and to issue process of execution thereon, which may be levied and executed in like manner as executions awarded and issued upon the judgments or decrees of the courts of law or equity of this Commonwealth. All judgments of the commission for fines or penalties, for contempt, or for the violation of any provision of the Constitution, or the laws of this State, or for the failure or refusal of any corporation to obey and observe the lawful rules, regulations, or orders of the commission, shall be entered up in favor of

the Commonwealth, and when collected shall be paid by the clerk of the commission into the treasury, as hereinbefore provided.

28. The commission shall have powers and jurisdiction possessed and exercised under the law by the courts of record of this Commonwealth to punish for contempt by fine or imprisonment, or by both, any person duly summoned to appear and testify before the commission who shall fail or refuse to appear and testify, without a lawful excuse, or who shall refuse to answer any proper question propounded to him by the commission in the discharge of its duty or who shall conduct himself in a rude, disrespectful, or disorderly manner before the commission, or any of them, deliberating in the discharge of duty in public session, and may, for any such contempt, impose the same penalties, either by fine or imprisonment, or by both, and render and enter up judgment in any such proceeding and enforce the same by process of execution or by commitment to jail, or by both, in the same manner and by like process and proceedings, and to the same extent, as may by law be done by any of the courts of this Commonwealth. The commission may commit any person adjudged by it guilty of contempt to the jail of any city or county in the Commonwealth, and the jailer thereof shall receive such person upon the commitment of the commission, attested by its clerk, first assistant clerk, or acting clerk, and confine such person in the jail of his city or county, as the case may be, for the term of imprisonment specified in the commitment, unless sooner discharged therefrom by due process of law. The said jailer shall receive for the board of any person so committed the same allowance made by law for other persons confined in such jail, which shall be paid out of the public treasury upon the allowance of the commission, certified as hereinbefore provided. The fines and judgments of the commission in any contempt proceeding may be reviewed, affirmed, reversed, or modified, as justice may require, on writ of error from the commission to the supreme court of appeals.

29. That the commission shall, in all matters within its jurisdiction, have the power and authority to award and issue, have served, executed, and returned, any writ, notice, process, order, or order of publication which may by law be awarded, issued, served, executed, or returned by or to any court of law or equity in this Commonwealth, for the purpose of compelling the attendance of witnesses, the production of books and papers, the convening of parties, or the enforcement and execution of its findings, orders, or judgments.

30. That all writs, processes, and orders of the commission shall run in the name of the Commonwealth, and shall be attested by its clerk, or first assistant clerk, or acting clerk, and shall be directed to its bailiff, and may be served, executed, and returned by the said bailiff, in any city or county of this State, or by the sergeant or sheriff, or any constable, of any city or county in this State within his bailiwick. All writs, notices, processes, or orders of the commission may be served, executed, and returned in like manner and upon like persons or property as the processes, writs, notices, or orders of the courts of record of this Commonwealth, and when so served, executed, and returned shall have the same legal effect. The bailiff or other officer serving or executing any writ, notice, process, or order of the commission shall receive the same fees and commissions allowed by

law for like services to the sergeants and sheriffs of the cities and counties of this State: provided, that the bailiff of the commission shall account for and pay to its clerk all fees and commissions received by him for any services which he may render, which shall be accounted for and paid by the clerk of the commission into the treasury, as hereinbefore provided. The bailiff, or any other officer hereinbefore named, who shall fail to execute and return any writ, notice, process, or order of the commission shall be subject to the penalties prescribed by law for the failure to execute and return the process of any court, which penalties may be enforced by the judgment of the commission.

31. That the commission shall cause to be taxed and collected in all complaints, proceedings, contests, or controversies instituted or pending before it, like fees and costs taxed and collected for like services by the officers of the courts of this Commonwealth; also, the fees and mileage of witnesses attending upon its public sessions, and may enter judgment for the same and issue execution thereon, which execution may be levied and executed in like manner as execution issued upon the judgments or decrees of the courts of law or equity of this Commonwealth: provided, that no costs shall be taxed or collected against the Commonwealth except on appeals of corporations under the provisions of section one hundred and eighty of the Constitution, which have been aggrieved by the assessments and ascertainties made by the commission under sections one hundred and seventy-six and one hundred and seventy-eight of the Constitution.

32. That the judgments of the commission for the recovery of money, fines, or penalties shall be a lien on the real estate of the judgment debtor when duly docketed and indexed in the judgment lien docket as the judgments of the courts of record are required by law to be docketed and indexed, in the county or city in which the real estate of the judgment debtor is located, and the lien of such judgment may be enforced in equity before any court having jurisdiction to enforce liens. The clerks of the courts of the several cities and counties shall docket all such judgments on the lien docket of their respective courts when a copy thereof, certified by the clerk of the commission, shall be presented for that purpose.

33. That the sessions of the commission for the hearing of any complaint, proceeding, contest, or controversy instituted or pending before it, whether of its own motion or otherwise, shall be public, and its findings, decisions, and judgments shall be announced and rendered in public session. The judgments of the commission for fines or penalties, or for the recovery of money, shall take effect as of the date of such judgment, and when allowed by the commission in its order and entered up, the judgment shall bear interest from that date. The commission may, by its rules, provide for the number of its regular public sessions in each year, the time of their commencement, their duration, and for their adjournment; and may also provide for extra or special public sessions when, in their judgment, such extra or special public sessions may be necessary or required. The commission shall hold at least one regular public session in every three months in each year.

34. That the Commonwealth or any party aggrieved by any final finding, order, or judgment of the commission shall have, of right, regardless of the amount involved, an appeal to the supreme court of appeals, same

to be taken and perfected within six months from the date of such final finding, order, or judgment, and the supreme court of appeals may, on petition of the attorney-general, or any other party so aggrieved, if said petition be presented within six months from the date of the final finding, order, or judgment of the commission, award a writ of supersedeas to any such final finding, order, or judgment, and may review, affirm, reverse, or modify the same, as justice may require, and enter therein such order as may be right and just. All such appeals shall be taken and perfected, heard and determined, and the mandate of the supreme court of appeals certified down to the commission in the same manner as appeals in equity causes from the circuit or corporation courts of this Commonwealth to the supreme court; except such appeals shall be heard and disposed of promptly by the supreme court, irrespective of its place of session, next after habeas corpus and Commonwealth's cases already on the docket: provided, however, this section shall not be construed to interfere in any way with the provisions of subsections (d), (e), (f), and (g) of section one hundred and fifty-six of the Constitution, as to appeals from the action of the commission, prescribing rates, charges, or classification of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusal to approve a suspending bond, or requiring additional security thereon, or an increase thereof; but shall be construed to provide only for appeals from the final findings, orders, and judgments of the commission in cases not expressly provided for by the Constitution.

35. That the commission may require a suspending bond on any appeal, in such penalty and with such surety thereon as it may deem sufficient, and may, during the pendency of any appeal, at any time, require the increase of any such bond or additional security thereon: provided, however, there shall be of right, regardless of the amount, an appeal from the action of the commission refusing to approve a suspending bond, or requiring an increase thereof, or additional security thereon, in like manner as provided by subsections (d), (e), (f), and (g) of section one hundred and fifty-six of the Constitution. The commission may also require bond for the payment of costs in such penalty, and with such security, as it may deem sufficient, in any complaint, proceeding, contest, or controversy instituted or pending before it. All suspending bonds, and bonds for the payment of costs, taken or required to be taken by the commission, shall be made payable to the Commonwealth, and may be enforced in the name of the Commonwealth by motion or other legal proceeding or remedy before the commission, or in any circuit or corporation court of this Commonwealth having jurisdiction of a motion or action on such bonds, and the process and proceedings thereon shall be as provided by law upon bonds of the like character required and taken by any court of this Commonwealth, and the commission or such circuit or corporation court may render and enter up like judgments upon such bonds as may, by law, be rendered and entered upon bonds of like character, and process of execution shall issue upon such judgments, and may be levied and executed as provided by law in other cases.

36. That if any transportation company, upon the final decision of an

appeal from the action of the commission prescribing rates, charges, or classification of traffic, confirming or modifying the action of the commission, shall fail to refund in the manner and within the time prescribed in the notice of the commission all amounts which the appealing company may have collected pending the appeal, in excess of that authorized by such final decision, upon notice to such corporation by the commission of such final decision, then the commission, after thirty days' notice to any such company, may, unless the amount required by such order be paid to the clerk of the commission, render and enter judgment in the name of the Commonwealth, for the use of the persons, firms, and corporations entitled to the same, against any such company for the aggregate amount of such collections and for costs, and may enforce the amount of such judgment and costs by process of execution, as hereinbefore provided as to the enforcement of the judgments of the commission. The commission shall, upon the collection of said judgment, forthwith distribute the amount thereof, through its clerk, among the parties entitled thereto, respectively, in such manner as it may by its rules or orders prescribe, and shall, upon the payment or collection of any such judgment, enter the same satisfied upon its records, and have the same entered satisfied on the judgment lien docket of the court of any city or county where the same may have been docketed, and the satisfaction of any such judgment shall be a bar to any further action or recovery against any such corporation to the extent of such recovery.

37. The commission may investigate the cause of any accident on any transportation line which, in its judgment, shall require investigation.

38. The commission is authorized to enter into contracts with the several railroads and other transportation companies, doing business in this State, for the transportation of convicts, insane, or other persons, who are cared for by the State, and of sheriffs and all necessary guards, to and from the penitentiary and the several State hospitals in this State, upon such terms as the commission and the several companies may agree, not to exceed two cents per mile for each person transported under such contract. Said contracts may be renewed or extended for such time as the commission shall deem to be to the interest of the State.

39. The commission shall determine the most direct and practicable route from each courthouse by which to convey persons to the penitentiary and the several State hospitals, and shall file with the auditor of public accounts, the superintendent of the penitentiary, the superintendents of the several State hospitals, and the clerks of the several counties and corporations, a schedule of the route determined upon.

40. The commission shall furnish with such schedule certificates of transportation in the form agreed upon in its contract with the companies. Said certificates shall be signed by the clerk of the commission, and shall be taken up by the conductor or other agent authorized by said companies to collect fare, as other tickets or fares are collected. They shall be presented by the companies holding the same, either monthly or quarterly, as may be determined upon by the commission and the companies, to the auditor of public accounts, who shall examine the same, and if found correct, pay them as other claims against the State are audited and settled.

41. The commission shall, annually, on the first day of January, publish a compilation of the statute laws governing common carriers in the State of Virginia, together with a compilation of the rules and regulations prescribed for their government by the commission, and shall furnish a sufficient number of copies to each railroad company or transportation company, or person operating the same, to enable such company or person operating the same to post and keep posted conspicuously in every passenger and freight depot of the company a copy of such laws, rules, and regulations; and every such company, or person operating the same, is hereby required to see that such copies, when furnished by the commission, are posted and kept posted in the manner prescribed.

42. That the commission shall have and use a common seal, to consist of a circular die with the coat-of-arms of Virginia and the title "State Corporation Commission" stamped upon the face of the die, and shall have power to affix said seal to any paper, record, or document when necessary for the purpose of authentication, and such seal, when so affixed to any paper, record, or document emanating from the commission or its clerk's office, shall have the same force and effect for authentication as the seal of any court of record in this State. The clerk of the commission shall collect a tax of one dollar for each impression of said seal upon any paper, record, or document, for which tax he shall account to the auditor of public accounts, and pay the same into the public treasury as hereinbefore provided.

43. That the commission shall keep a docket of all complaints, proceedings, contests, and controversies instituted or pending before it, and all cases shall be numbered on the docket in the order in which they were instituted, and the papers therein jacketed and numbered in the same consecutive order, and when finally determined and disposed of, the papers and files shall be filed and preserved in the same numerical order and properly indexed for convenient future reference.

44. The commission shall, by order entered upon the records of its proceedings, make all allowances to be paid out of the public treasury for expenses, witness fees, and mileage, and for service of process, and when so allowed and certified by its clerk to the auditor of public accounts, the last-named officer shall draw his warrant for the payment of the amount of any such allowances out of the public treasury: provided, that the commission shall not allow to any witness exceeding one dollar per day for his attendance, nor exceeding five cents per mile for each mile traveled to and from the place of attendance, and shall not make any allowances to be paid out of the public treasury save when the expenses incurred, the witness attendance, or the services of process, is at the instance of the commission, or on behalf of the Commonwealth.

45. That the commission shall have made and kept in its clerk's office a register of all corporations, which register shall contain the corporate names of all corporations heretofore chartered and existing at this date, so far as the same may be obtainable, and those hereafter chartered by the laws of this State, and of all foreign corporations heretofore or hereafter licensed to transact business in this State, and as to domestic corporations shall contain also the following information, to-wit: Date of incorporation. Names and residences of officers and directors. Amount of capital

stock, and whether preferred or common, or both, and the amount of each. Amount of bonds to be issued. Nature of corporate enterprise or business to be conducted. The place of its principal or general office or place of business.

The secretary of the Commonwealth shall forthwith prepare and furnish to the commission a list of all charters recorded in his office up to April first, nineteen hundred and three, containing the above information so far as shown by the records of his office.

46. The commission shall issue all charters and all amendments, extensions, and renewal of charters, upon application, complying with the provisions of the incorporation laws of this State, and when any charter, or amendment, extension, or renewal of a charter is issued, shall certify the same, under its seal, to the secretary of the Commonwealth for recordation as required by law, and the commission shall have the granting of all licenses to foreign corporations to transact business in this State. The commission shall, before approving any application or petition for a charter, or granting any license to any foreign corporation to transact business in this State, require the payment of the fees prescribed by law, and on or before the first day of March in each year, in addition to the franchise tax and the fees otherwise prescribed by law, require each domestic corporation, other than a purely charitable institution, and each foreign corporation doing business in this State, to pay a registration fee as follows: Where the proposed maximum capital stock is fixed at fifteen thousand dollars or under, or if such corporation is organized on a mutual basis or without capital stock, five dollars; in excess of fifteen thousand dollars and not over fifty thousand dollars, ten dollars; in excess of fifty thousand dollars and not over one hundred thousand dollars, fifteen dollars; in excess of one hundred thousand dollars and not over three hundred thousand dollars, twenty dollars; and in excess of three hundred thousand dollars, twenty-five dollars; all of which fees shall be collected and received by its clerk and accounted for and paid into the public treasury as hereinbefore provided.

47. That the commission shall designate some State depository as a place of deposit for the moneys received by its clerk under this or any future act of the general assembly, and shall require its clerk to deposit therein all moneys received by him at least once in every twenty-four hours, and all checks upon said depository drawn by said clerk shall be countersigned by the chairman or acting chairman of the commission. That the bailiff of the commission, or any sergeant, sheriff, or constable who shall collect any judgment, or any part thereof, rendered by the commission, shall, within ten days after such collection, pay the amount thereof, either in current funds or by certified check, to the clerk of the commission. Any officer of the commission, or any sergeant, sheriff, or constable who shall omit or fail to perform any of the requirements of this section, shall be fined not less than five hundred dollars nor more than one thousand dollars, which may be imposed and judgment rendered therefor and enforced by the commission. All proceedings against any such officer and the surety on his official bond, may be had as provided by law in reference to official bonds, for default in the accounting for, or pay-

ment over, of any moneys collected or received by him under the provisions of this act.

48. That the commission shall annually, on or before the first day of December, notify each corporation subject to a registration fee of the amount thereof, and when the same is payable, and when paid its clerk shall promptly receipt therefor to the corporation paying the same, such notice to be mailed to the last address furnished by such company.

49. That all transportation companies operating in this State shall, on the order of the commission, attested by its clerk, or on an order signed by any member of the commission, furnish free transportation to the members of the commission and its officers, when traveling on official business, and the order for such transportation shall show that the same is desired for official business.

50. That the commission shall have authority to purchase all necessary supplies, and to have all necessary printing and publishing done, and to secure all telephone and telegraph service necessary to the efficient discharge of its duties, and the same shall be paid out of the fund appropriated for its incidental and contingent expenses: provided, however, that all printing necessary for the commission shall be done by the public printer on its order.

51. That the commission shall, on or before the first day of December in each year, tabulate and publish in statistical form such reports made to it in pursuance of the Constitution and laws of this State, as required by subsection (a) of section one hundred and fifty-six of the Constitution proper, and shall, on the same date in each year, make report to the governor as required by subsection (1) of said section, to be by him laid before the general assembly at each regular session thereof.

52. That any member of the commission who, during the term of his office, shall be directly or indirectly employed by, or hold any office in relation to, any transportation or transmission company, or in any wise become interested therein financially, or shall engage in the practice of law, or be guilty of misfeasance or malfeasance in office, shall be impeached and removed from office in the same manner provided for the impeachment and removal of judges of the supreme court of appeals; and any officer of the commission for like causes, or for neglect of duty, or when, in the judgment of the commission, the public service will be promoted thereby, may be removed from office by the commission.

53. The board of public works and the railroad commissioner shall, on the second day of March, nineteen hundred and three, or as soon thereafter as requested by the commission, surrender and deliver to the commission the records, books, files, and papers of their respective offices, and thereafter said records, books, files, and papers shall be and remain a part of the records, books, papers and files of the commission.

54. That the annual salaries of the members and officers of the commission shall be as follows: Each commissioner, four thousand dollars; the clerk, two thousand dollars; the first assistant clerk, fifteen hundred dollars; the stenographer, twelve hundred dollars; and the bailiff, nine hundred dollars; and the auditor of public accounts shall draw his warrant upon the public treasury for the payment of said salaries in equal monthly payments for each month of their respective terms of office.

55. This act shall not be construed to take away or impair the jurisdiction of any court of this Commonwealth to hear and determine any proceeding, suit or motion of which it now has jurisdiction, for the enforcement of any fine or penalty against any corporation under the laws of this State, but that the powers and jurisdiction of the commission to hear, determine, and enforce such fines and penalties shall be construed to be concurrent.

56. The commission is hereby charged with all the duties and vested with all the rights, property, functions, and powers heretofore performed, vested in, and exercised by the board of public works, except in so far as the same may be in conflict with the Constitution and laws of this State, and the commission shall particularly perform the duties and exercise the powers heretofore performed and exercised by said board, prescribed in sections fifty-nine to seventy-eight, inclusive, of this act.

57. The commission, or some member thereof, shall, and is hereby directed and authorized to, attend the sale of any work of internal improvement in which the State is a stockholder or otherwise interested, whether such sale be made by virtue of mortgage, judgment, decree, or other lien.

58. If the works of any internal improvement company be not commenced and be completed within the time prescribed by law, or by its charter, or if after such works be completed, the company abandon them, or for three successive years cease to use and fail to keep them in good repair, in each of these cases the State may proceed against such company by writ of quo warranto, or information in the nature of a writ of quo warranto, and if in any such proceeding there is a judgment against the company, the commission shall forthwith take possession of its work and property and sell the same (except the debts owing to the company), and convey the works and property so sold to the purchaser thereof as soon as the purchase money has been paid, the deed of conveyance to be executed by the chairman of the commission under its seal. The commission shall, moreover, collect, as far as practicable, the debts aforesaid, and apply the proceeds thereof and of the said sale, after deducting the costs and expenses of the collection and sale, to the discharge of the liabilities of the company, and whatever remains after said liabilities are discharged, pay into the treasury of the State. Upon such conveyance to the said purchaser, he shall forthwith be a corporation by any name which may be set forth in such conveyance, or any writing signed by him and admitted to record in the county or corporation wherein the conveyance shall be admitted to record; and to the corporation thus created all the provisions of section twelve hundred and thirty-four of the Code shall apply, except that the franchises, rights, and privileges to which such corporation shall succeed and the duties which it shall perform, shall be such as would have been had or performed by the first company but for the judgment aforesaid in the proceeding by writ of quo warranto, or information in the nature of a writ of quo warranto, save only as in said section provided.

59. It shall be the duty of the commission, with the consent of the board of supervisors of any county given at any regular meeting by a two-thirds vote of all elected in such county, where in their opinion the public interest will be promoted thereby, to transfer and convey the State's in-

terest in any turnpike or plank road, or any part thereof, to the county or counties in which said road lies. The transfer shall be made by a formal order to be entered upon the minutes of the proceedings of the commission, and a copy to be transmitted by its clerk to the clerk of the circuit or county court for record in the clerk's office in each county where the said road lies.

60. The commission shall be vested with power to collect any fund or dividend due from any work of internal improvement in which the State is interested, and to pay the same into the treasury to the credit of the sinking fund.

61. The commission, for all works in which the State may hold stock heretofore subscribed and not disposed of, shall from time to time appoint one or more proxies to represent the stock held by or on behalf of the State in the company having control of such work: provided, that the present proxies shall hold over until their successors are appointed.

62. In cases in which it may be desired by the commission, its proxies shall cause to be transmitted to it copies of the reports of the proceedings of the directors of the companies in which they are proxies, the proceedings of the stockholders thereof, and other documents relating to the works, and shall make such reports as the commission may require or to the proxies may seem proper.

63. In every company to the stock of which the board of public works or the State has heretofore subscribed and which has not been disposed of, the commission shall appoint such portion of the directors as shall bear to the whole number of the directors of such company the same proportion, as nearly as possible, that the stock held on behalf of the State in such company bears to the whole capital stock thereof.

64. The appointment of directors in a company, according to the preceding section, shall be made by the commission before each annual meeting therein.

65. Proxies and directors appointed by the commission shall be in office from the time such appointment is in force until their successors are appointed, unless sooner removed. When a proxy fails to attend at any meeting, the commission, without removing him, may make a temporary appointment, to be in force during his absence.

66. The commission and the second auditor shall cause to be registered, in books to be kept in their respective offices for the purpose, all claims, stocks, bonds, choses in action, and all property, real or personal, due or belonging to the State, with such description thereof as will enable easy reference to the same by any State officer or person interested.

67. Any money forfeited to the commission, and any money which ought to be paid into the public treasury to the credit of the fund for internal improvement, shall be recovered, with interest on such money from the time the same ought to be paid, by motion, after fifteen days' notice, or by action in the circuit court of the city of Richmond. The second auditor shall institute and prosecute in the name of the Commonwealth the proceedings after an order for such motion or action shall have been made by the commission.

68. The commission may appoint agents for the collection of its debts or claims, and authorize them to secure payment thereof on such terms as

it may approve, except it shall not appoint an agent to collect any judgment, fine, or penalty rendered or imposed by the commission.

69. When the estate of any person taken under execution or for sale under any decree or deed of trust for any such debt or claim will not sell for the amount thereof, the commission may purchase such estate.

70. The commission may sell any estate so purchased, at such time and on such terms as the commission may deem advantageous, and the commission shall execute a deed conveying to the purchaser all the interest which the commission may have in such land.

71. For the services of any agent under this act, the commission may allow compensation not exceeding, in any case, five per centum on the money actually paid into the treasury.

72. Where the tolls of any canal, navigation, or bridge company are not prescribed by its charter, the commission shall fix such tolls as may seem to it reasonable, and may alter the same at its pleasure.

73. If in any company incorporated and organized before the first day of July, eighteen hundred and fifty, to the stock of which the board of public works or the State has, before or since that date, subscribed, a resolution be adopted in general meeting of the stockholders (by the vote of the majority of the stockholders, other than the State), assenting to section sixty-five of this act, the same shall thenceforth be of the same force in respect to such company that it would be if it had formed a part of the act incorporating such company. If such assent be not given, the votes in the meetings of the stockholders of such company and the appointment of directors therein shall continue to be according to the laws in force on the day before the Code of eighteen hundred and eighty-seven took effect, unless it be a company whose charter is, by the terms thereof, subject to be altered, amended, or modified by the general assembly; in which case the said section sixty-five shall be of the same force in respect to it as if such assent had been given.

74. That so much of the act entitled "an act to authorize the James River and Kanawha Company to make sale and transfer of all its works, property, and franchises to the Richmond and Alleghany Railroad Company, and to define the powers and duties of the board of public works in reference thereto," approved February twenty-seventh, eighteen hundred and seventy-nine, as has not been carried into effect, shall continue in force, and the commission shall exercise all the powers and perform all the duties conferred and imposed upon the board of public works by the said act.

75. The commission shall make report to the general assembly at each regular session, showing the condition of each work made on the State account, or to the stock of which the board of public works or the State had heretofore subscribed, and giving such other information in relation thereto as it may deem pertinent. And the second auditor shall also report to the general assembly at such regular session a succinct statement relative to every such work, showing the gross amount of the year's income therefrom, the net balance of such income remaining, after paying current expenses, and interest on debts due on account of the work, and what percentage such net balance is on the capital expended. On or before the

first day of October the said reports shall be delivered to the superintendent of public printing, and he shall cause the same to be printed.

76. That subsection twelve of section one hundred and eighty-three, and sections twelve hundred and twelve, twelve hundred and thirty-six, twelve hundred and thirty-nine, twelve hundred and fifty-four, twelve hundred and ninety-eight, twelve hundred and ninety-nine, thirteen hundred, as amended by an act of the general assembly, approved March fourth, nineteen hundred; thirteen hundred and one, thirteen hundred and two, thirteen hundred and three, thirteen hundred and six, thirteen hundred and seven, thirteen hundred and eight, thirteen hundred and ten, thirteen hundred and eleven, as amended by an act of the general assembly, approved March fourth, nineteen hundred; thirteen hundred and twelve, thirteen hundred and thirteen, thirteen hundred and fourteen, thirteen hundred and fifteen, thirteen hundred and sixteen, thirteen hundred and seventeen, thirteen hundred and eighteen, thirteen hundred and nineteen, thirteen hundred and twenty, thirteen hundred and twenty-one, thirteen hundred and twenty-two, thirteen hundred and twenty-three, thirteen hundred and twenty-four, thirteen hundred and twenty-five, thirteen hundred and twenty-six, thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, thirteen hundred and twenty-nine, thirteen hundred and thirty, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and thirty-three, and thirteen hundred and thirty-seven of the Code of eighteen hundred and eighty-seven, and sections eleven, twelve, and thirteen of the act of the general assembly of Virginia, approved March third, eighteen hundred and ninety-two, entitled an act to further regulate and control common carriers doing business in this State, and further defining the duties of the railroad commissioner in relation thereto, be, and the same are hereby, repealed.

77. This act shall be in force from its passage.

CHAP. 148.—An ACT to raise revenue for support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution.

Approved April 16, 1908.

1. Be it enacted by the general assembly of Virginia, That the taxes on persons, property, and incomes for the year commencing the first day of February, nineteen hundred and three, and each year thereafter, and on licenses to transact business, shall be as follows:

TAXES ON LANDS AND LOTS, GROUND RENTS, AND RENT CHARGE.

2. On tracts of lands and lots, and the improvements thereon, not exempt from taxation, ground rents and rent charge, there shall be a tax of twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of

the State, and a further special tax of five cents on every hundred dollars of the assessed value thereof, which shall be applied to the payment of pensions.

CLASSIFICATION OF PERSONS AND PERSONAL PROPERTY.

3. The taxable subjects shall be classified by schedules as follows, to-wit:

SCHEDULE A.

4. The classification under schedule A shall be as follows, to-wit:

First. The number of white male inhabitants who have attained the age of twenty-one years, except those pensioned by this State for military services.

Second. The number of colored male inhabitants who have attained the age of twenty-one years, except those pensioned by this State for military services.

TAX ON PERSONS.

5. Upon every male person, classified in schedule A, there shall be a tax of one dollar and fifty cents, of which one dollar shall be for aid of the public free schools and fifty cents shall be returned and paid into the treasury of the county or city in which it shall have been collected.

SCHEDULE B.

6. The classification under schedule B shall be as follows:

TANGIBLE PERSONAL PROPERTY.

First. The aggregate number of horses, mules, asses, and jennets, and the value thereof.

Second. The number of cattle, and the value thereof.

Third. The number of sheep and goats, and the value thereof.

Fourth. The number of hogs, and the value thereof.

Fifth. The aggregate number and value of all family carriages, stage-coaches, carts, wagons, carry-logs, spring-wagons, carryalls, gigs, buggies, sleighs, automobiles, bicycles, and vehicles of like kind, to either of those enumerated.

Sixth. The aggregate value of all books and pictures, except so far as the same are exempt by law.

Seventh. The aggregate value of all tools of mechanics.

Eighth. The aggregate value of all farming implements.

Ninth. The aggregate value of all felled timber, railroad ties, telegraph, telephone, or electric light poles, piles, mine props, cord wood, hoop-poles, staves, and bark which has been felled for sale by other than the owner of the land upon which it has been felled within twelve months preceding the first day of February of each year.

Tenth. The number of watches and clocks, and the value thereof.

Eleventh. The number of sewing machines, and the value thereof.

Twelfth. The aggregate number and value of piano-fortes, melodeons, harps, organs, and musical instruments of all kinds.

Thirteenth. The aggregate value of all household and kitchen furniture.

Fourteenth. The aggregate value of gold and silver plate, plated ware, diamonds, cameos, or other precious stones or precious metals used as ornaments or jewelry, not including such subjects as are embraced in any other number of this schedule.

Fifteenth. The aggregate value of grain, tobacco, and other agricultural productions in the hands or possession, legal or constructive, of a purchaser.

Sixteenth. The number of boats or water crafts under five tons burthen, used for business or pleasure, and the aggregate value thereof.

Seventeenth. The number of all ships, tug-boats, barges, boats, or other water crafts of five tons burthen and over, and all other floating property not required to be assessed by the State Corporation Commission, used for business or pleasure, and the aggregate value thereof, with their tackle, rigging, and furniture, and all else that pertains to them, or of any share or interest therein, though the said ships, or other water craft, or any of them, may not be, at the time when the assessments are made, in the waters of Virginia.

Eighteenth. The aggregate value of all shot-guns, rifles, muskets, and other fire-arms, bowie knives, dirks, and all weapons of a similar kind: provided, that all fire-arms issued by the State to members of volunteer companies, or for purposes of police, shall not be listed for taxation.

Nineteenth. The value of seines, pound-nets, fykes, weirs, or other devices for catching fish.

Twentieth. The value of all toll bridges, turnpikes, and ferries, except steam ferries owned or operated by a chartered company.

Twenty-first. The aggregate value of all other tangible personal property not specifically enumerated in this or other schedules, and not exempt from taxation: provided, that grain, tobacco, and other agricultural productions in the hands of a producer of the same are hereby declared exempt from taxation as property under this schedule.

TAXES ON TANGIBLE PERSONAL PROPERTY.

7. On all personal property mentioned in this schedule there shall be a tax of twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State, and a further special tax of five cents on every hundred dollars of the assessed value thereof, which shall be applied to the payment of pensions.

SCHEDULE C.

8. The classifications under schedule C shall be as follows:

PERSONAL PROPERTY IN CHOSE IN ACTION, ETC.

First. Bonds, notes, and other evidences of debt, including bonds of other States than Virginia, bonds of counties, cities, and towns, bonds of railroad and canal companies and other corporations, bonds of individuals, and all demands and claims, however evidenced, whether secured by deed of trust, judgment, or otherwise, or not so secured.

The commissioner shall require each person, natural or artificial, residing in his district, city, or town to make out and deliver to said commissioner a list in detail of the date, amount for which originally given, but not the name of the debtor, the dates and amounts of the credits thereon, the balance due, and the time of payment of all bonds, notes, and other evidences of debt due and payable to such person in excess of one hundred dollars, and a statement of the aggregate amount of all bonds, notes, and other evidences of debt under one hundred dollars each. The auditor of public accounts shall furnish the necessary blanks for such lists and statements to the commissioner of the revenue.

This list and statement shall be signed and sworn to by the tax-payer before the commissioner of the revenue or some notary public, or some person authorized to administer oaths, who shall certify that said list was signed and sworn to before him. The commissioner shall sign the list and determine the value of the bonds, notes, and other evidences of debt therein enumerated, subject to an appeal from his valuation to the circuit, county, or corporation court. The said list and statement shall include bonds of railroad and canal companies, bonds of counties, cities, towns, and bonds of other States and corporations, bonds of individuals, and all demands and claims, however evidenced, whether due or not, from debtors residing out of or within the State or county, whether secured by a deed of trust or by judgments or not, deducting from the aggregate amount thereof all such bonds, demands, or claims not otherwise deducted owing to others as such principal debtor, and not as guarantor, endorser, or surety; but not deducting any money that may be due to others on account of the purchase of securities which are non-taxable, nor shall such deductions of indebtedness be made from stock in any bank or banking institution, such stock being taxed otherwise under this act; but no bond, demand, or claim constituting a part of the capital as defined in this act of the business done out of this State, or any capital used by any merchant or manufacturer, and taxed under this act shall be included in this section.

The list and statement herein provided for shall be delivered by said commissioner to the clerk of the circuit, county, or corporation court of his county or city, who shall file the same in his office, properly labeled, keeping the list for each year separate. If any person, firm, or corporation shall, with a view to evade the payment of taxes, fail or refuse to make out and deliver under oath such list and statement as herein provided for of

any such bonds, notes, or other evidences of debt, then the omitted evidences of debt shall not be recoverable by action at law or suit in equity in any of the courts of this Commonwealth or by any legal process, or by sale under deed of trust, or otherwise, until they shall have been reported for assessment, and the taxes paid thereon for the years that they should have been paid, with an addition of fifty per centum of the amount of said unpaid taxes; and the failure to make out such list and statement to the said commissioner shall be taken as *prima facie* evidence of the intention to so evade the payment of taxes.

The auditor of public accounts, when he furnishes the necessary blanks as above provided, shall include in the form of oath which he shall append thereto the statement that no part of the indebtedness claimed by the taxpayer as a deduction from the amount of all bonds, notes, and other evidences of debt due to such tax-payer is on account of the purchase of securities which are non-taxable; and further, that no part of said indebtedness was created with a purpose to evade the payment of taxes; and any one who shall sign and swear to a false list shall be deemed guilty of perjury. But where in any such action at law or suit in equity it is ascertained that there are unpaid taxes and penalties on the evidence of debt sought to be enforced, and the suitor makes affidavit that he is unable to pay these taxes and penalty, but is willing for the same to be paid out of the first recovery on the evidence of debt, the court shall have authority to enter as a part of any judgment or decretal order in said proceedings that the amount of taxes and penalties due and owing shall be paid to the proper officer out of the first collection on said judgment or decree.

Second. All capital of individuals, including moneys, credits, or other thing loaned, used, or employed in business out of this State.

Third. Capital of incorporated joint-stock companies not otherwise taxed; and when all of such capital is taxed by the State of Virginia, the shares of stock in the hands of individual shareholders shall not be further taxed for State purposes; but real estate belonging to such companies shall not be held to be capital, but shall be listed and taxed as property, and not as capital.

Fourth. Capital of individuals invested, used or employed in any trade or business not otherwise taxed. Moneys and credits actively used and employed in carrying on the trade or business; materials, goods, wares, and merchandise on hand, and all solvent bonds, demands, or claims made or contracted in the course of business during the preceding year, shall be held to be capital in such trade or business, and shall not be taxed otherwise than as such capital; but real estate shall not be listed as such capital, but shall be assessed and taxed as other specific property.

Fifth. The aggregate amount of money and the value of principal and interest of personal estate and credits under control of a court receiver or commissioner, in pursuance of any order, judgment, or decree of any court, or of an agent, guardian, or other fiduciary.

Sixth. Money and credits or personal estate deposited to the credit of any suit, and not in the hands of a receiver, except funds, credits, or estate placed in the hands of the receiver of a court or deposited to the credit of a suit to await adjudication and disbursement upon debts reported in suits or proceedings pending in such court.

Seventh. Money on deposit with any bank or other corporation or firm or person.

Eighth. Shares of stock of incorporated companies other than stocks of companies all of whose capital is taxed by the State of Virginia, or which pay a franchise tax.

TAXES ON PERSONAL PROPERTY IN CHOSSES IN ACTION, ETC.

9. On all personal property embraced in this schedule there shall be a tax of twenty-five cents on every hundred dollars of the value thereof, the proceeds of which shall be applied to the payment of expenses of the government; and a further tax of ten cents on every hundred dollars of the value thereof, which shall be applied to the support of the public free schools of this State.

SCHEDULE D.

10. The classification under schedule D shall be as follows, to-wit:

The aggregate amount of income in excess of six hundred dollars, whether received or due but not received, within the year next preceding the first of February in each year.

Income shall include:

First. All rents, except ground rents and rents-charge, salaries, interest upon notes, bonds, or other evidences of debt, of whatever description, of the United States, or any other State or country, or any corporation, company, partnership, firm, or individual, collected or received during the year, less the interest due, and paid during the year.

Second. The amount of all premiums on gold, silver, or coupons.

Third. The amount of sales of live stock and meat of all kinds, less the value assessed thereon the previous year by the commissioner of the revenue.

Fourth. The amount of sales of wood, butter, cheese, hay, tobacco, grain, and other vegetable and agricultural productions during the preceding year, whether the same was grown during the preceding year or not, less all sums paid for taxes and for labor, fences, fertilizers, clover, or other seed purchased and used upon the land upon which the vegetable and agricultural productions were grown or produced, and the rent of said land paid by said person, if he be not the owner thereof.

Fifth. All other gains and profits derived from any source whatever.

In addition to the sum of six hundred dollars as aforesaid, there shall be deducted from the income of the person assessed all losses sustained during the year: provided, further, that only one deduction of six hundred dollars shall be made from the aggregate income of any family, except that guardians may make a separate deduction of six hundred dollars in favor of each ward out of income coming to said ward.

TAX ON INCOME.

11. On income, as defined in this schedule, the tax shall be one per centum.

ON BUSINESS AND OTHER SUBJECTS.

TAX ON WILLS AND ADMINISTRATIONS.

12. On the probate of every will or grant of administration, not exempt by law, there shall be a tax of one dollar, where the estate, real or personal or mixed, passing by such will or by intestacy of the decedent, shall not exceed one thousand dollars, and for every additional one hundred dollars, or fraction of one hundred, an additional tax of ten cents; and no one shall be permitted to qualify and act as executor or administrator until said tax shall have been paid.

When an estate is committed to a sheriff to be administered, he shall be required to pay said tax as soon as sufficient assets of said estate shall have come into his hands: provided, that said tax shall be charged only upon the value of such estate—real, personal, or mixed—the legal situs of which for taxation was in Virginia during the lifetime of the decedent.

TAX ON DEEDS.

13. On every deed not exempt by law admitted to record, and on every contract relating to real estate or personal property, whether it be a deed or not, which is admitted to record, the tax shall be fifty cents; where the consideration of the deed or value of the property conveyed exceeds three hundred dollars, and does not exceed one thousand dollars, the tax shall be one dollar; and where the same exceeds one thousand dollars, an additional tax of ten cents on every hundred dollars, or fraction of one hundred dollars, of such consideration, or the value of the property in excess of one thousand dollars; but any deed, will, or contract may be recorded in the same office, when the record containing such deed, will, or contract, has been destroyed by fire or otherwise, free of the State tax: provided, that but one tax shall be collected on any deed or contract; but the tax on each deed of release shall be only fifty cents, and on deeds of trust or mortgages the tax shall be assessed and paid upon the amounts of bonds or other obligations secured thereby: and provided, further, that on deeds of trust or mortgages upon the works and property of a railroad or other internal improvement company, lying partly in this State and partly in another State, the tax shall be upon such proportion of the consideration as the number of miles of the line of such company in this State bears to the whole number of miles of the line of such company conveyed by such deed: provided, that upon any deed of partition among joint tenants, tenants in common, or co-parceners the tax shall be fifty cents.

TAX ON SUITS.

14. When any original suit, whether commenced by writ or notice, ejectment or attachment, other than a summons to answer a suggestion, or other action, except a suit in chancery, is commenced in a county, circuit, or corporation court, and in every case of removal or appeal of a cause from a justice's court to the county, circuit, or corporation court,

or upon any appeal from the decision of the board of supervisors of a county, or of an attachment issued by a justice and returnable to the county or circuit court, there shall be a tax thereon, if the amount of the debt or demand for damages shall not exceed five hundred dollars, of one dollar; and when the debt or demand for damages exceeds five hundred dollars, there shall be an additional tax of ten cents for every hundred dollars, or fraction of one hundred dollars, of such debt or demand in excess of five hundred dollars: provided, that in all suits the plaintiff or his attorney may endorse upon his writ or notice the real amount claimed in his action, and the tax upon the said suit shall be fixed with reference to the amount so claimed.

Second. Upon every appeal, writ of error, or supersedeas in a circuit court except as otherwise provided there shall be a tax of three dollars; and on every appeal, writ of error, or supersedeas in the supreme court of appeals, there shall be a tax of six dollars, which, if not paid within thirty days from the granting of such appeal, the said appeal shall be dismissed.

Third. Upon every chancery suit, originating either in a corporation or circuit court, there shall be a tax of one dollar and fifty cents.

Fourth. Upon every writ of mandamus sued out of any court there shall be a tax of three dollars.

15. No clerk shall issue any writ, or docket any removed or appealed warrant, or any notice mentioned in the fourteenth section, or record any deed or will, or grant any letter or certificate of administration, until the tax thereon shall be paid.

TAX ON SEALS.

- 16. When the seal of the State, of a court, or notary public is affixed to any paper, except in the cases exempted by law, the tax shall be as follows: For the seal of the State, two dollars, and for the seal of a court or notary, one dollar, and herein shall be included a tax on a scroll or any impression on paper in the place of a seal, or having the force and effect of a seal, and the said tax, except in the case of the seal of the State, shall be collected and paid in the following manner:

All seals taxable under this act, except the seal of the State, are hereby declared illegal and of no effect, and shall not be received or accepted as a legal notarial or court seal in any court of the State, unless the same shall be superimposed upon an adhesive stamp in such manner as to cancel said stamp, which adhesive stamp shall be supplied in the manner and form hereinafter provided for.

It shall be the duty of the auditor of public accounts, by and with the advice of the attorney-general and the treasurer of the State, to cause to be prepared suitable adhesive stamps of such size and design as may be best adapted to the purpose, and to furnish the same to the treasurer and county clerk of each county and the treasurer of each city in the State in such quantities as may be necessary, charging the said treasurers and clerks on the books of his office with said stamps at the rate of one dollar each.

The several county and city treasurers and county clerks shall be held

accountable under their official bonds for all such stamps so furnished them in the same manner as they are now held accountable for State moneys or other property coming into their hands.

It shall be the duty of the said county and city treasurers and county clerks at all times to keep on hand a supply of said stamps and to sell the same to any person wishing to purchase them, charging therefor the sum of one dollar each; and for such service the several county and city treasurers and county clerks shall receive a commission of five per centum on all stamps sold.

The treasurer of each county and city and county clerks shall report annually, on the first day of July, to the auditor of public accounts, the number of adhesive stamps sold by him during the preceding twelve months, and shall at once pay into the treasury the money received for the same, less his commission.

All mutilated or unused stamps may be returned to the auditor of public accounts under such regulations as he may provide, and when so returned, proper credit shall be given on the books of his office.

In all cases in which no tax is required by law the officer affixing the seal shall certify that it is a case in which, by the laws of Virginia, no tax is required upon the seal so affixed by him.

In any case in which a tax is required upon a seal, and the officer affixing the same shall fail to use the adhesive stamp herein provided for, or shall make a false certificate that no tax is required, he shall be guilty of a misdemeanor, and shall be punished by a fine of twenty dollars for each offense, which shall be recovered and paid as are other fines due the Commonwealth; and any person who makes or, knowing the same to be false or counterfeit, sells, uses, or has in his possession any false or counterfeit stamps or die for printing or making the same, which is in imitation of or purports to be a lawful stamp or die, or who knowingly procures the same to be done, shall for each offense be deemed guilty of a felony, and shall be imprisoned in the State penitentiary for a period of not less than one nor more than five years.

TAX ON BANKS AND TRUST AND SECURITY COMPANIES.

17. No tax shall be assessed upon the capital of any bank or banking association organized under the authority of this State or of the United States, nor upon the capital of any trust or security company chartered by this State, but the stockholders in such banks, banking associations, trust and security companies shall be assessed and taxed on the market value of their shares of stock therein. Each bank, banking association, trust and security company aforesaid, on the first day of February in each year, shall make up and return to the commissioner of the revenue of the county, city, town, or district in which said bank, banking association, trust or security company is located a report, in which shall be given the names of the stockholders, their residences, the number of shares owned or held or controlled by each, and the market value of said stock. From the total market value of the shares of stock of any such bank, banking association, trust or security company there shall be deducted the assessed value of its real estate otherwise taxed in this State,

and the value of each share of stock shall be its proportion of the remainder: provided, that the market value of said stock shall be estimated at a sum not less than the aggregate of the capital, surplus, and undivided profits of each bank, banking association, trust and security company, as shown by its last published statement prior to the first of February of each year, after deducting from such aggregate the value of its real estate otherwise taxed in this State.

18. It shall be the duty of said commissioner of the revenue, as soon as he receives such report, to assess each stockholder upon the market value of the shares of stock owned by him a tax of twenty-five cents on every hundred dollars value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars value thereof, which shall be applied to the support of the public free schools of the State, and he shall make out three assessment lists, give one to the bank, banking association, trust or security company, send one to the auditor of public accounts, and retain one. The assessment list delivered to said bank, banking association, trust or security company shall be notice to the bank, banking association, trust or security company of the tax assessed against its stockholders, and each of them, and have the legal effect and force of a summons upon suggestion formally issued and regularly served. The tax assessed upon each stockholder in said bank, banking association, trust or security company shall be the first lien upon the stock standing in his name and upon the dividends due and to become due thereon, no matter in whose possession found, and have priority over any and all liens by deeds of trust, mortgages, bill of sale, or other assignment made by the owner or holder, and take priority over all liens, by execution, garnishment, or attachment process sued out by creditors of the stockholder. The bank, banking association, trust or security company shall hold the dividend or other fund which belongs to the stockholder and in its custody at the time the assessment list is received, or that thereafter shall come under its control, for the use of the Commonwealth, and apply the same to the payment of the tax assessed, and when thus applied shall be acquitted and discharged from all liability to the stockholder for the money thus disbursed.

19. Each bank, banking association, trust and security company, on or before the first day of June in each year, shall pay into the treasury the taxes assessed against its stockholders.

20. Should any bank, banking association, trust or security company fail to pay into the treasury the tax assessed against its stockholders on or before the first day of June in each year, then as soon thereafter as practicable the auditor of public accounts shall transmit to the treasurer of the county or city in which said bank, banking association, trust or security company is located, a copy of the assessment list furnished him by the commissioner of the revenue, and it shall be said treasurer's duty to collect the taxes therein assessed, and to this end levy upon the stock of the tax-payer, or so much thereof as is necessary to pay said tax, and sell the same at public auction for cash, as other chattels and personal property are sold under execution. He shall give to the purchaser a bill of sale made under his hand and seal.

21. The bank, banking association, trust or security company, on pre-

sentation by a purchaser of his bill of sale, shall cause the stock therein described to be transferred to said purchaser, and he shall take a clear and unencumbered title to the stock purchased. Should the taxes assessed against said stockholders be not paid or collected as hereinbefore provided, the lists aforesaid shall stand and be treated and have the legal effect of tax tickets regularly made out against each of said stockholders named in said lists as to which tax the right of levy and distress has accrued to the Commonwealth, and the treasurer shall proceed to collect the same by levy or distress, and possess, all and singular, the authority and power conferred upon him by law to collect other State taxes, and be governed by sections six hundred and twenty-two and six hundred and twenty-three of the Code of Virginia.

22. The bank, banking association, trust or security company which shall fail or neglect to comply with each and every provision of this act, for each separate offense, shall be fined not less than one hundred nor more than five hundred dollars, which fine shall be recovered upon motion, after five days' notice, in the circuit, corporation, or hustings court, of the county or city in which the said bank, banking association, trust or security company is located. Said motion shall be in the name of the Commonwealth and presented by the attorney for the Commonwealth of the court in which the motion is brought or made. The real estate of all banks, banking associations, trust and security companies shall be assessed on the land books of the commissioners of the revenue, with the same taxes with which other real estate is assessed.

TAX ON INSURANCE COMPANIES.

23. The real and personal property of every insurance company, life, fire, marine, surety, mutual aid, mutual benefit, guarantee, sick benefit, employers' liability, health, credit, fidelity, burglary, accident, plate-glass, steam boiler, assessment, united brethren, live stock, and all like companies, shall be listed and assessed on the land and property books of the commissioners of the revenue in the same manner as other real and personal property is assessed, and there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible personal property and a tax of twenty-five cents on every hundred dollars of the assessed value of the intangible personal property of every such company, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value of all the real estate and personal property of every such company, which shall be applied to the support of the public free schools of this State; and a further special tax of five cents on every hundred dollars of the assessed value of the real estate and tangible personal property of every such company, which shall be applied to the payment of pensions.

The specific license tax upon every such company for the privilege of doing business in the State shall be two hundred dollars a year, and in addition thereto, a sum equal to one and one-quarter per centum upon the gross amount of all assessments, premiums, dues, and fees collected or received, or obligations taken therefor, derived from its business in

this State: provided that the specific license tax upon a live-stock company shall be one hundred dollars: provided further, that the specific license tax for a life insurance company, mutual aid, mutual benefit, sick benefit, health assessment, and united brethren shall be two hundred dollars per annum, and in addition thereto a sum equal to one per centum upon the gross amount of all assessments, premiums, dues, and fees collected or received, or obligations taken therefor, derived from its business in this State: and provided, further, that the specific license tax upon such fire insurance companies chartered by and doing business solely in this State, as are purely mutual associations, not designed to accumulate profits for the benefit of stockholders or members thereof, or to pay dividends to them, shall be two hundred dollars, and in addition thereto a sum equal to one per centum upon the gross amount of all assessments, premiums, dues, and fees collected or received or obligations taken therefor.

24. Any company failing promptly to pay the tax hereby imposed shall forfeit five per centum upon the amount of the tax for each month, or fraction of a month, during which it shall be in default. Every company shall certify to the auditor of public accounts, on or before the first day of March in each year, on the oath of its chief accounting officer, or principal agent in this State, the gross amount of all assessments, premiums, dues, and fees collected or received, or obligations taken therefor, by such company from its business in this State during the year ending the thirty-first of the preceding December, and shall immediately pay into the treasury the tax imposed by law on such assessments, premiums, dues, and fees. Any company failing to report the amount of its receipts as herein provided shall forfeit the right to do business in this State until such report shall have been made, of which forfeiture the auditor of public accounts shall give notice by publication, and thereupon the privilege of such company to do business in this State shall cease and determine.

25. No charge shall be made against any fire insurance company, chartered in this State, for the privilege of transacting its business when such company is purely a local mutual association, doing business in not more than four contiguous counties in the State, and is not designed to accumulate profits for the benefit of, or pay dividends to, the stockholders or members thereof: and provided, further, that nothing in this act shall be construed to require any tax, other than the tax imposed upon property and the fees imposed by the general law defining and regulating fraternal beneficial associations, orders or societies, upon secret or fraternal orders where the benefit or relief is payable by the grand or supreme body of the same and is derived from assessment upon lodges, councils, or other bodies.

26. All such licenses shall expire on the thirty-first day of December. If any such license be granted for less than a year, the specific tax thereon shall bear such proportion to the whole specific annual tax as the space of time between granting the same and the thirty-first of December bears to the whole year. The State Corporation Commission shall not issue a license to any such company until the specific license tax has been paid

into the treasury, and the fact of such payment has been certified to it by the auditor of public accounts.

RAILWAY AND CANAL CORPORATIONS.

27. Every railway and canal corporation of this State not exempted from taxation by virtue of its charter, and every railway and canal corporation incorporated under the laws of any other State doing business in this State, shall report annually, on or before the first day of September, to the State Corporation Commission, all of its real and personal property of every description, as of the thirtieth day of June preceding, showing particularly in what county or corporation the principal office or agency of such corporation is located in this State, and in what county or corporation such property is located, and also showing what part of such property is located in each school district of such county, and classifying the same under the following heads:

First. Roadway and track or canal bed.

Second. Depots, depot grounds and lots, station buildings and fixtures, and machine shops.

Third. Real estate not included in other classes.

Fourth. Rolling stock, including passenger, freight, cattle, or stock, baggage, mail, express, sleeping, palace, and all other cars owned by or belonging to the corporation; boats, machinery, depot and office furniture and equipments; houses and appurtenances occupied by lock-gate keepers and other employees: provided, that foreign railway and canal corporations doing business in this State shall report and be assessed on the average amount of rolling stock habitually used by them in this State.

Fifth. Stores.

Sixth. Telegraph lines.

Seventh. Stocks, bonds, and other evidences of debt of other corporations and individuals and firms held by such company.

Eighth. Stocks, bonds, and other evidences of debt of any person or corporation, belonging to any such company, chartered in this State, in excess of its indebtedness, whether the same be held in trust or otherwise, by some other person, firm, or corporation, within or without this State, which, for the purpose of this act, shall be considered to be located at the principal office of such company in this State.

Ninth. All other personal property of such company not enumerated in either of the foregoing heads, which would be taxable under this act if the same belonged to an individual.

Every such corporation shall also report, on or before the first day of September of each year, the gross transportation receipts of the railway or canal for the twelve months preceding the thirtieth day of June of each year, and in all cases the report shall be so made as to give the data on which the same is made. If such railway or canal is only in part within the Commonwealth, the report shall show what part is within the Commonwealth, and what proportion the same bears to the entire length of the road or canal, and shall apportion the said receipts accordingly. The report herein required shall be verified by the oath of the president or other proper officer. The State Corporation Commission shall, after

thirty days' notice previously given by it to the president, treasurer, or other proper officer of such corporation, proceed to ascertain and assess the value of the property, and the gross transportation receipts, so reported, upon the best and most reliable information that can be procured; and to this end shall be authorized and empowered to send for persons and papers. The State Corporation Commission shall assess upon said property and gross transportation receipts the taxes imposed thereon by law.

A certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts, and to the president or other proper officer of each railway and canal corporation so assessed, whose duty it shall be to pay into the treasury of the State, on or before the first day of December following, the taxes upon its property, and the franchise tax upon its gross transportation receipts as shown by said copy of the assessment.

The State Corporation Commission shall at such time as it may elect on or before the fifteenth day of October following, proceed to ascertain and assess the gross transportation receipts of any railway or canal corporation which has failed to make the report herein required, and shall also assess the value of the property of any such corporation, except its franchise and non-taxable shares of stock issued by other corporations and owned by it, at a fair cash valuation upon the best and most reliable information that can be procured, and to this end shall be authorized and empowered to send for persons and papers, and said commission shall assess upon such gross transportation receipts and property the taxes imposed thereon by law. A certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts and to the president or other proper officer of such railway or canal corporation so assessed, whose duty it shall be to pay into the treasury of the State within thirty days after receiving said certified copy of the assessment, the taxes upon its property and the franchise tax upon its gross transportation receipts, as shown by said copy of the assessment.

Such taxes so assessed, and a penalty in addition thereto of five per centum thereon, if the said taxes be not paid at the time provided herein, shall be collected by the treasurer of any county or city in which such corporation owns property, to whom the auditor may deliver a copy of the assessment. The treasurer may distrain and sell any personal property of such corporation, and shall pay the amount of said taxes and penalty into the treasury within one month from the time of delivery to him of the copy as aforesaid. The road-bed, depots, depot grounds, rolling stock, tools, oil, and other articles used in operating railroads owned by mining, lumber, and like companies which transport passengers or freight for others than such owners, shall be assessed by the State Corporation Commission in the mode prescribed by this act. All other property of such mining, lumber, and like companies shall be assessed by the commissioner of the revenue upon the land and personal property books of the counties and cities where located. Mining, lumber, and like companies operating railroads to transport passengers or freight for others, shall be construed as in the provision of this section as to all of their property,

except their real estate, not used as a part of their road-bed or for depot purposes, which shall be assessed by the commissioner of the revenue in the district or city wherein situated.

It shall be the duty of the State Corporation Commission to prepare and furnish to the several corporations required to make reports under this section forms for such reports, which said corporations shall use in making the reports required of them. And any such corporation which shall fail to make the report hereinbefore required, within the time herein prescribed, shall be liable to a fine of not less than one hundred dollars, nor more than two hundred and fifty dollars, for each day such corporation may be in default in making such report. The said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia. It shall be the duty of the clerk of the State Corporation Commission to furnish to the council of every city and town, and to the board of supervisors of every county wherein any property belonging to such corporation is situated, a certified copy of the assessment made by the State Corporation Commission of such corporation's property, which shall definitely show the character of the property, its value and location for purposes of taxation in each county, city, town, and school district, so that county, city, town, and school district levies may be laid upon the same: provided, however, that it shall be the duty of the county superintendent of schools in each county in which a railway or canal is located and operated, to furnish, on or before the first day of July in each year, to such railway or canal corporation or corporations the boundaries of each school district of said county in which any part of such railway or canal and its property is situated.

TAX ON RAILWAY AND CANAL CORPORATIONS.

28. On the real and tangible personal property of every railway and canal corporation, there shall be a tax of twenty cents on every one hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government; and a further tax of ten cents on every one hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State; and a further special tax of five cents on every hundred dollars of the assessed value thereof, which shall be applied to the payment of pensions.

On the intangible personal property, as assessed under the preceding section, of every railway and canal corporation there shall be a tax of twenty-five cents on every one hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every one hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State.

Every such railway or canal corporation, whether exempt from taxation as to its works, visible property, or profits or not, shall pay to the State an annual State franchise tax, equal to one per centum upon the gross

transportation receipts, hereinafter specified, for the privilege of exercising its franchises in this State, which, with the taxes hereinbefore provided for, shall be in lieu of all taxes or license charges whatsoever upon the franchises of such corporation and the shares of stock issued by it, and upon all its property as hereinbefore provided: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section one hundred and fifty-seven of the Constitution, or from assessments for street and other local improvements, which shall be authorized by law, or from the county, city, town, district, or road levies hereinafter provided for other than a franchise tax: and provided, further, that nothing herein contained shall annul or interfere with or prevent any contract or agreement by ordinance between street railway corporations and municipalities as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporation for the year ending June thirtieth of each year, to be ascertained by the State Corporation Commission in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows:

By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be deducted a reasonable sum because of any excess of value of the terminal facilities or other similar advantages situated in other States over similar facilities or advantages situated in this State.

The real and personal property of such corporation, other than its franchise, shall be assessed on the valuation fixed by the State Corporation Commission with county, city, town, district, and road levies, at the same rate as real and personal property of natural persons are assessed with such levies.

No State tax, county, city, town, district, or road levy shall be laid on the net income of any railway or canal corporation, nor shall any county, city, town, district, or road levy be laid on the gross transportation receipts of any such company.

All taxes and levies shall, until paid, be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or encumbrances.

Any such railway or canal corporation, or the State or any county or city at the instance of the attorney-general for the State, or of the Commonwealth's attorney for any county or city, aggrieved by the assessment and ascertainment of such taxes, may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of

Richmond. Notice of the application setting forth the grounds of complaint, verified by affidavit if the appeal be taken by any such railway or canal corporation, shall be served on the State Corporation Commission, and on the attorney-general, whose duty it shall be to represent the Commonwealth, or if the appeal be taken by the State or any county or city, notice of the application, setting forth the grounds of complaint, shall be served on such railway or canal corporation. If the court be of the opinion that the assessment or tax is excessive, it shall reduce the same, but if of opinion that it is insufficient it shall increase the same. Unless the applicant paid the taxes under protest when due, the court, if the decision is adverse to the applicant, shall, in disallowing the application, give judgment against it for the taxes assessed by the State Corporation Commission, and for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the decision is in favor of such railway or canal corporation, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and the legally taxable costs of said application from the State or local authorities, or both, as the case may be, the judgment to be enforceable by mandamus or other proper process issuing from the court, finally adjudicating the application. If the decision be in favor of the State or any county or city appropriate relief shall be granted, and the court shall enforce its judgment by mandamus or other proper process. The supreme court of appeals may, subject to the provisions of article six of the Constitution, allow a writ of error to either party.

For the year nineteen hundred and three the franchise tax shall be based upon said corporation's gross receipts for the year ending June thirtieth, nineteen hundred and three.

EXPRESS COMPANIES DOING BUSINESS IN THIS STATE, AND STEAMSHIP, STEAMBOAT, AND STEAM FERRY COMPANIES, WHICH MAY RUN STEAMBOATS, STEAMSHIPS, OR OTHER FLOATING PROPERTY, FOR THE TRANSPORTATION OF PASSENGERS OR FREIGHT.

29. Each express company doing business in this State, and each steamship, steamboat, and steam ferry company which may run steamships, steamboats, or other floating property for the transportation of passengers or freight, shall report annually, on or before the first day of September, to the State Corporation Commission, all of its real and personal property of every description in this State belonging to it on the thirtieth day of June preceding, showing particularly in what city, town, county, and school district the property is located, and classifying the same under the following heads:

First. All express cars, steamships, steamboats, and other floating property, their machinery, equipments, and horses and wagons.

Second. All depots, wharves, sheds, offices, stores, docks, machine shops, granaries, elevators, and other buildings.

Third. All real estate and personal property not included in the foregoing classification.

Each such company, except express companies, shall also give in said

report its gross and net receipts in excess of six hundred dollars for the year ending on the thirtieth day of June preceding. The report herein required shall be verified by the oath of the president or other proper officer of the company making the same.

The State Corporation Commission shall, after thirty days' notice previously given by it to the president or other proper officer, assess the value of the property of each of such companies, and shall assess the net receipts in excess of six hundred dollars, except express companies.

Should any such company fail to make the report required by this section on or before the first day of September, the State Corporation Commission shall, at such time as it may elect, upon the best and most reliable information that can be procured, assess the value of the property of said company, and shall, unless it be an express company, ascertain its net receipts in excess of six hundred dollars, and in the execution of such duty shall be authorized and empowered to send for persons and papers.

The State Corporation Commission shall assess upon said property and net receipts in excess of six hundred dollars the taxes imposed thereon by law.

A certified copy of the assessment when made shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts and to the president or other proper officer of each such company, and such company shall pay into the treasury of the State by the first day of December following the taxes assessed against it.

It shall be the duty of the clerk of the State Corporation Commission to furnish to the council of every city and town and to the board of supervisors of every county wherein any property belonging to such company is situated, a certified copy of the assessment made by the State Corporation Commission of such company's property, which assessment shall definitely show the character of the property, its value and location for the purposes of taxation in each city, town, county, and district, so that city, town, county, and district levies may be imposed upon the same: provided, however, that it shall be the duty of the county superintendent of schools in each county in which any such express company, steamship, steamboat, or steam ferry company owns property, on or before the first day of July in each year, to furnish to such express company, steamship, steamboat, or steam ferry company the boundaries of the school districts of said county wherein any such property is situated.

Any such company failing to pay said taxes into the treasury within the time herein prescribed shall incur a penalty thereon of five per centum, which shall be added to the amount of said taxes.

Any such company which shall fail to make the report hereinbefore required, within the time herein prescribed, shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each day such company may be in default in making such report. The said fine to be imposed and judgment entered therefor by the State Corporation Commission, after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia.

TAX ON EXPRESS COMPANIES DOING BUSINESS IN THIS STATE, AND ON STEAMSHIP, STEAMBOAT, AND STEAM FERRY COMPANIES, WHICH MAY RUN STEAMSHIPS, STEAMBOATS, OR OTHER FLOATING PROPERTY, FOR THE TRANSPORTATION OF PASSENGERS OR FREIGHT.

30. On the real and personal property of every express company doing business in this State, and of every steamship, steamboat, and steam ferry company which may run steamships, steamboats, or other floating property for the transportation of passengers or freight, there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible personal property, and a tax of twenty-five cents on every one hundred dollars of the assessed value of the intangible personal property of every such company, the proceeds of which shall be applied to the support of the government; and a further tax of ten cents on every hundred dollars of the assessed value of all the real estate and personal property of every such company, which shall be applied to the support of the public free schools of this State; and a further special tax of five cents on every hundred dollars of the assessed value of the real estate and tangible personal property of every such company, which shall be applied to the payment of pensions.

Every such company, except express companies, shall, in addition, pay an income tax of one per centum per annum on all its net receipts in excess of six hundred dollars.

LICENSE TAX ON EXPRESS COMPANIES.

31. Each and every express company doing business in this State, in addition to the property tax, shall, for the privilege of doing business between points within this State, pay a license tax as follows, to-wit:

Each and every express company operating a mileage in this State not exceeding two hundred miles shall pay a license tax of two hundred and fifty dollars; each and every express company operating a mileage in this State of over two hundred miles, and not exceeding one thousand miles, shall pay a license tax of twelve hundred and fifty dollars; each and every express company operating a mileage in this State over one thousand miles, and not exceeding fifteen hundred miles, shall pay a license tax of two thousand dollars; and each and every express company operating a mileage in this State of over fifteen hundred miles, shall pay a license tax of twenty-seven hundred and fifty dollars; and no express company which shall have paid the privilege tax hereby imposed shall be required to pay an additional tax to the State, except the property tax hereinbefore referred to, and its annual registration fee.

Each express company doing business in this State shall, in addition to the report required by section twenty-nine of this act, report annually, on or before the first day of September, upon forms prepared and furnished by the State Corporation Commission, under oath of its president or other proper officer, to the State Corporation Commission, the number of miles operated by it within this State on the thirtieth day of June preceding. Upon receipt of such report the State Corporation Commission shall assess the license tax herein imposed. Should any express company fail

to make such report at the time herein prescribed, the State Corporation Commission shall, at such time as it may elect, upon the best and most reliable information that can be procured, ascertain the number of miles operated by it within this State, and shall assess against such company said license tax, and in the execution of such duty shall be authorized and empowered to send for persons and papers. A certified copy of such assessment, when made, shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts and to the president or other proper officer of such company.

And such company shall, on or before the first day of December following, pay into the treasury of the State the said tax. Any such company failing to pay said tax into the treasury within the time herein prescribed shall incur a penalty thereon of five per centum, which shall be added to the amount of said tax. Any such company which shall fail to make the report herein last before required within the time prescribed shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each day such company may be in default in making such report, the said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to such defaulting corporation to appear before the said commission and show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia.

SLEEPING CAR, PARLOR CAR, AND DINING CAR COMPANIES.

32. Each sleeping car, parlor car, and dining car company having any portion of its capital invested in and used in this State shall report annually, on or before the first day of September, to the State Corporation Commission the cash value of its entire capital invested and used in the operation of sleeping, parlor and dining cars, the whole number of miles operated by it in this and other States, and the number of miles operated by it in this State on the thirtieth day of June preceding.

The report herein required shall be verified by the oath of the president or other proper officer of the company making the same.

Every such company which shall fail to make the report required in this section within the time herein prescribed shall be liable to a fine of not less than five hundred dollars nor more than two thousand five hundred dollars. The said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia.

The State Corporation Commission shall, after thirty days' notice previously given by it to the president or other proper officer of such company, assess the cash value of that proportion of the capital of such company which is invested in and used in this State, and in order to determine the amount of the capital of such company which is taxable in this State, there shall be taken as a basis of assessment such a proportion of the cash value of the entire capital of such company invested in the operation of sleeping, parlor, and dining cars as the number of miles operated by it

in this State bears to the whole number of miles operated by it in this and other States. Should any such company fail to make such report at the time herein prescribed, the State Corporation Commission shall, at such time as it may elect, upon the best and most reliable information that can be procured, ascertain its entire capital invested in the operation of sleeping, parlor, and dining cars, and the number of miles operated by it in this State, and the number of miles operated by it in this and other States, and shall in the manner hereinbefore prescribed assess the cash value of that proportion of the capital of such company which is invested and used in this State, and in the execution of such duty shall be authorized and empowered to send for persons and papers. The State Corporation Commission shall assess upon said property the taxes imposed thereon by law.

A certified copy of the assessment when made shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts and to the president or other proper officer of each such company, and such company shall pay into the treasury of the State by the first day of December following the taxes assessed against it.

Any such company failing to pay said taxes into the treasury within the time herein prescribed shall incur a penalty thereon of five per centum, which shall be added to the amount of said taxes.

TAXES UPON THAT PROPORTION OF THE CAPITAL OF EACH SLEEPING CAR, PARLOR CAR, OR DINING CAR COMPANY WHICH IS INVESTED IN AND USED IN THIS STATE.

33. There shall be a tax of twenty-five cents on every hundred dollars of the assessed value of that proportion of the capital of each sleeping car, parlor car, or dining car company which is invested in and used in this State, the proceeds of which shall be applied to the support of the government; and a further tax of ten cents on every hundred dollars of the assessed value of the said proportion, to be applied to the support of the public free schools of this State.

TELEGRAPH AND TELEPHONE COMPANIES.

34. Each incorporated telegraph and telephone company doing business in this State, and each firm, person, or association owning or operating a telegraph or telephone line in this State, shall report annually on the first day of September to the State Corporation Commission all of its real and personal property of every description in this State belonging to it on the thirtieth day of June preceding, showing particularly in what corporation, county, and school district the property is located, and classify the same under the following heads:

First. Number of miles of line of poles or conduits owned or operated by it within this State on the thirtieth day of June preceding in each city, county, town, and school district.

Second. Number of miles of wire in excess of one wire in each city, county, town, and school district.

Third. Real and personal property, including the value of the telephone

instruments, switchboards, et cetera, and the value of telegraph instruments, apparatus, et cetera, in each city, county, town, and school district.

Fourth. The gross earnings and receipts in this State for the twelve months next preceding the thirtieth day of June.

The report herein required shall be verified by the oath of the president or other proper officer of the company making the same.

The State Corporation Commission shall, after thirty days' notice previously given by it to the president or other proper officer of each of such companies, incorporated under the laws of this or any other State, assess the value of its property. Should any such incorporated company fail to make such report at the time herein prescribed, the State Corporation Commission shall, at such time as it may elect, upon the best and most reliable information that can be procured, assess the value of the property of said company, and assess upon said property the taxes imposed by law, and shall also assess the license tax imposed by law upon every such company, and in the execution of such duty shall be authorized and empowered to send for persons and papers.

The State Corporation Commission shall assess upon said property the taxes imposed thereon by law.

A certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts and to the president or other proper officer of each such company, and such company shall pay into the treasury of the State by the first day of December following the taxes assessed against it.

It shall be the duty of the clerk of the State Corporation Commission to furnish to the council of every corporation, and to the board of supervisors of every county wherein any property belonging to any such company is situated, a certified copy of the assessment made by the State Corporation Commission of such company's property, which assessment shall definitely show the character of the property, its value, and location for the purposes of taxation in each city, county, and district, so that city, town, county, district, and road levies may be imposed upon the same.

Upon the receipt of every such report from a person or a firm not incorporated operating a telegraph or telephone line in this State, a certified copy of each such report shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts, and it shall be the duty of the auditor of public accounts forthwith to require all the telegraph or telephone lines and wires of each such firm or person throughout the State, and each county, district, city, or town thereof, to be assessed at a fair valuation by the commissioner of the revenue of the county, district, or city wherein the chief office of such firm or person is located, and all other property of each such firm or person to be in like manner assessed by the commissioner of the revenue of the county, district, or city wherein located, and every such assessment shall be returned to the auditor of public accounts within thirty days after the same is made. A certified copy of the assessment when made and returned shall be immediately forwarded by the auditor of public accounts to the chief officer of such telegraph or telephone firm, or to such person whose duty it shall be to pay into the treasury of the State, on or before the first day of December following, the taxes assessed against it. A firm or person

failing to make such report shall be immediately assessed, under the direction of the auditor of public accounts, by any commissioner or commissioners of the revenue designated by him for that purpose, rating each mile of telegraph or telephone line at its real value, and not less than one hundred and twenty-five dollars for one wire per mile, and twenty-five dollars for each additional wire per mile; and ascertaining the value of all other property, real and personal, owned by such telegraph or telephone firm or person, in the mode prescribed by law for ascertaining the value of property of individuals for the purposes of taxation, and a tax shall at once be levied on such value so ascertained, at the annual rate levied upon the value of other property for the year. If any such telegraph or telephone firm or person shall fail to make such report to the auditor of public accounts, such firm or person shall also be liable to a fine of not less than five hundred dollars nor more than two thousand five hundred dollars. The said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia. Any such firm or person may seek redress against any erroneous assessments made under this section in the mode prescribed by law for redress against erroneous assessment of the property of individuals.

It shall be the duty of the county superintendent of schools in each county in which any such telegraph or telephone company or firm or person operating a telegraph or telephone line owns property, on or before the first day of July in each year, to furnish to such telegraph or telephone company, firm or person the boundaries of the school districts of said county wherein any such property is situated.

Any such company, firm, or person failing to pay said taxes into the treasury within the time herein prescribed shall incur a penalty thereon of five per centum, which shall be added to the amount of said taxes.

TAX ON TELEGRAPH AND TELEPHONE COMPANIES AND ON ASSOCIATIONS, FIRMS, OR PERSONS OWNING OR OPERATING TELEGRAPH OR TELEPHONE LINES IN THIS STATE.

35. On the real and personal property of telegraph and telephone companies, and of associations, firms, and persons owning or operating telegraph or telephone lines in this State, there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible personal property, and a tax of twenty-five cents on every one hundred dollars of the assessed value of the intangible personal property of every such person, firm, company, or association, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State; and a further special tax of five cents on every hundred dollars of the assessed value of the real estate and tangible personal property of every such company, person, association, or firm, which shall be applied to the payment of pensions.

LICENSE TAX ON TELEGRAPH AND TELEPHONE COMPANIES, AND ON ANY FIRM OR PERSON OPERATING THE APPARATUS NECESSARY TO COMMUNICATE BY TELEGRAPH OR TELEPHONE.

36. Each telegraph company and firm or person operating the apparatus necessary to communicate by telegraph shall, for the privilege of doing business between points within this State, pay a license tax as follows, to-wit:

Two dollars per mile of line of poles or conduits owned or operated by the company, firm, or person in this State, and an additional charge of two per centum of the gross receipts of the company, firm, or person received (or due, though not received) from business done within this State during the year ending the thirtieth day of June.

The specific license tax to be paid by every corporation, person, or association for the privilege of operating the apparatus necessary to communicate by telephone, shall be, when the gross receipts do not exceed fifty thousand dollars, and when the number of miles of poles does not exceed three hundred, and a majority of the stock or other property of such company is not owned or controlled by any other telephone or telegraph company whose receipts exceed fifty thousand dollars, a sum equal to one per centum of the gross receipts of such corporation, person, or association from business done within this State during the year ending the thirtieth day of June preceding; when the gross receipts from business done within this State during any such year are in excess of fifty thousand dollars, or the number of miles of poles exceeds three hundred, or a majority of the stock or other property of such company is owned or controlled by any other telephone or telegraph company whose receipts exceed fifty thousand dollars, the license tax shall be a sum equal to one per centum of such receipts up to fifty thousand dollars, and an additional sum equal to two per centum of such receipts exceeding fifty thousand dollars, and in addition a sum equal to two dollars per mile of line of poles or conduits owned or operated by such corporation, person, or association in this State: provided, that no license tax shall be charged against any telephone company chartered in this State for the privilege of prosecuting its business when such company is purely a local mutual association and does not charge others for transmitting messages over its line or lines, and is not designed to accumulate profits for the benefit of, or to pay dividends to, the stockholders or members thereof.

The license tax to be paid by any firm or person not incorporated, transacting a telegraph or telephone business or owning and operating a telegraph or telephone instrument, line, or conduit, shall be assessed by the commissioner of the revenue for the district or city wherein the principal office of such firm or person is located, or in which such firm or person resides.

FEES ON CHARTERS.

37. Every domestic corporation authorized by its charter to exercise the powers of a transportation or transmission company, or to own, lease, construct, maintain, and operate a public service line or road of any kind, upon the granting or extension of its charter, and every foreign corpora-

tion authorized by its charter to exercise the powers of a transportation or transmission company, or to own, lease, construct, maintain, and operate a public service line or road of any kind, when it obtains from the State Corporation Commission a certificate of authority to do business in this State, shall pay a fee into the treasury of the State of Virginia to be ascertained and fixed as follows:

For a company whose maximum capital stock is five thousand dollars or under, twenty-five dollars; for a company whose capital stock is over five thousand dollars, and not to exceed ten thousand dollars, fifty dollars; over ten thousand dollars, and not to exceed twenty-five thousand dollars, seventy-five dollars; over twenty-five thousand dollars, and not to exceed fifty thousand dollars, one hundred and twenty-five dollars; over fifty thousand dollars, and not to exceed one hundred thousand dollars, two hundred dollars; over one hundred thousand dollars, and not to exceed three hundred thousand dollars, three hundred and twenty-five dollars; over three hundred thousand dollars, and not to exceed five hundred thousand dollars, four hundred and fifty dollars; over five hundred thousand dollars, and not to exceed eight hundred thousand dollars, five hundred and seventy-five dollars; over eight hundred thousand dollars, and not to exceed one million dollars, seven hundred and fifty dollars; over one million dollars, and not to exceed ten million dollars, one thousand dollars; over ten million dollars, and not to exceed twenty million dollars, one thousand two hundred and fifty dollars; over twenty million dollars, and not to exceed thirty million dollars, one thousand five hundred dollars; over thirty million dollars, and not to exceed forty million dollars, one thousand seven hundred and fifty dollars; over forty million dollars, and not to exceed fifty million dollars, two thousand dollars; over fifty million dollars, and not to exceed sixty million dollars, two thousand two hundred and fifty dollars; over sixty million dollars, and not to exceed seventy million dollars, two thousand five hundred dollars; over seventy million dollars, and not to exceed eighty million dollars, two thousand seven hundred and fifty dollars; over eighty million dollars, and not to exceed ninety million dollars, three thousand dollars; over ninety million dollars, five thousand dollars.

For the purpose of this act the amount to which the company is authorized by the terms of its charter to increase its capital stock shall be considered its maximum capital stock.

38. Every domestic corporation, other than such as are described in the last preceding section, upon the granting or extension of its charter, and every foreign corporation, other than such as are described in the last preceding section, when it obtains from the State Corporation Commission a certificate of authority to do business in this State, shall pay a fee into the treasury of the State of Virginia to be ascertained and fixed as follows:

For a company whose maximum capital stock is fifty thousand dollars or less, ten dollars; for a company whose capital stock is over fifty thousand dollars and less than one million, twenty cents for each one thousand dollars or fraction thereof; for a company whose maximum capital stock is one million dollars or more, six hundred dollars: provided, however, that building fund associations, mutual insurance companies without

capital stock, and other mutual companies not organized for strictly benevolent or charitable purposes, shall pay twenty-five dollars only for each certificate of incorporation or charter granted: and provided, further, that no fee shall be imposed on corporations organized for religious, benevolent, or literary purposes, or to conduct a purely charitable institution or institutions.

39. Upon the amendment or enlargement of the charter of any domestic corporation, whereby the powers of a public service corporation are conferred upon said corporation, the said corporation shall pay the fee required to be paid by a public service corporation; and said amendment or enlargement shall be, and continue to be, wholly inoperative and ineffectual for any and all purposes until the payment of said fee.

Upon the amendment of any charter, domestic or foreign, whereby its capital stock is increased, the fee to be charged on the amended charter shall be an amount equal to the difference between the amount already paid on the original charter and the amount required by this act to be paid on the maximum amount provided for in such amendment, and upon the amendment or extension of any charter, domestic or foreign, if no fee was paid to this State on the original charter, the amount to be paid shall be the same as would have to be paid on an original charter. Upon the amendment of any charter, domestic or foreign, whereby the powers and privileges therein conferred are increased, or the character thereof changed, or the time limitation or territorial jurisdiction thereof is extended, then the amount to be paid on such amended charter shall be the same as would have to be paid on an original charter.

40. The fees hereinbefore required to be paid by corporations organized under the laws of a jurisdiction beyond this State, and proposing to transact business in this State, shall be paid direct into the treasury of the State, whereupon the State Corporation Commission may issue a certificate authorizing the said corporation to transact such business and conduct operations of a character to be described in said certificate within this State; but the said corporation shall not have the right to transact business or conduct operations of any character in this State until said fees have been paid and said certificates been duly issued. Nothing contained in this section, or the three preceding sections, shall be construed to impose a fee for a charter, or for authority to transact business in this State, upon any company which has already paid the fee or tax heretofore imposed by law upon its charter or for authority to transact its business in this State; but this provision shall not be construed to exempt any amendment or extension of any such charter or of such authority to transact business in this State from the fees imposed by the sections hereinabove mentioned, or either of them. And the clerk of the State Corporation Commission shall, along with the order of the commission in the premises, record said certificate and the certificate of the auditor of public accounts as to the payment of such fees in a proper book to be kept by said clerk for the purpose.

FEEES FOR REGISTRATION.

41. Every domestic corporation, other than a purely charitable insti-

tution, and every foreign corporation doing business in this State, whose maximum capital stock is fifteen thousand dollars, or under, and every such corporation organized on a mutual basis or without capital stock, shall pay into the treasury of the State on or before the first day of March in each and every year an annual registration fee of five dollars; a corporation whose maximum capital stock is over fifteen thousand dollars, and does not exceed fifty thousand dollars, shall pay an annual registration fee of ten dollars; a corporation whose maximum capital stock is over fifty thousand dollars, and does not exceed one hundred thousand dollars, shall pay an annual registration fee of fifteen dollars; a corporation whose maximum capital stock is over one hundred thousand dollars, and does not exceed three hundred thousand dollars, shall pay an annual registration fee of twenty dollars; and a corporation whose maximum capital stock exceeds three hundred thousand dollars, shall pay an annual registration fee of twenty-five dollars; said annual registration fee shall be irrespective of any specific license tax or other tax or fee imposed by law upon said corporation for the privilege of carrying on its business in this State or upon its franchise, property, or receipts.

Every corporation shall obtain from the State Corporation Commission a blank form upon which to report the amount of its maximum capital stock, as of the first day of January of each year, and shall file its report made upon such blank form with the State Corporation Commission by the first day of February of each year.

The State Corporation Commission shall assess against each such corporation the registration fee herein imposed, and a certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts, and to each such corporation.

Upon the payment of said annual registration fee the State Corporation Commission shall issue a certificate of registration, and the clerk of said State Corporation Commission shall record said certificate in a proper book to be kept by him for the purpose.

Every domestic and foreign corporation at the time of paying such registration fee shall make to the State Corporation Commission, on forms prescribed by it, such report of its status, business, or condition as the State Corporation Commission shall require.

The failure of any corporation for two successive years to pay its annual registration fee, or to make such report, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic corporation, or of its certificate of authority to do business in this State if it be a foreign corporation, and the State Corporation Commission shall publish the fact of such revocation or annulment once a week, for four consecutive weeks, in a daily newspaper published in the city of Richmond, Virginia.

42. Any such corporation which shall fail to make the report hereinbefore required, within the prescribed time, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars for each offense, and each period of thirty days wherein such company may be in such default in making such report shall constitute a distinct and separate

offense. The said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia.

ANNUAL STATE FRANCHISE TAX.

43. Every corporation, joint-stock company or association, organized or formed under, by, or pursuant to law in this State, except railway, canal, insurance, banking and security companies, cemetery, religious and charitable associations, shall, in addition to the charter fee, tax on property and income or receipts and license tax, and the registration fee prescribed by law, pay into the treasury of the State on or before the first day of March of each and every year an annual State franchise tax to be assessed by the State Corporation Commission. The amount of such franchise tax shall be as follows: Where the maximum capital stock is twenty-five thousand dollars and under, ten dollars; over twenty-five thousand dollars and not in excess of fifty thousand dollars, twenty dollars; over fifty thousand dollars and not in excess of one hundred thousand dollars, forty dollars; over one hundred thousand dollars and not in excess of three hundred thousand dollars, sixty dollars; over three hundred thousand dollars and not in excess of five hundred thousand dollars, one hundred dollars; over five hundred thousand dollars and not in excess of one million dollars, two hundred dollars; and for all in excess of one million dollars an additional sum of ten dollars for each one hundred thousand dollars or fraction thereof in excess of one million dollars.

The State Corporation Commission shall assess against each such corporation, company, or association the State franchise tax herein imposed.

A certified copy of the assessment when made shall be immediately forwarded by the clerk of the State Corporation Commission to the auditor of public accounts, and to the president or other proper officer of every such corporation, company, or association. Any such corporation, company, or association failing to pay said tax into the treasury within the time herein prescribed shall incur a penalty thereon of five per centum, which shall be added to the amount of said tax.

TAX ON COLLATERAL INHERITANCE.

44. (a) Where any estate within this Commonwealth of any decedent shall pass under his will, or the laws regulating descents and distributions, to any other person or for any other use than to or for the use of the grandfather and grandmother, father, mother, husband, wife, brother, sister, or lineal descendant of such decedent, the estate so passing shall be subject to a tax of five per centum of every hundred dollars' value thereof: provided, that such tax shall not be imposed upon any property bequeathed or devised where such bequest or devise is exclusively for State, county, municipal, benevolent, charitable, educational, or religious purposes.

(b) The personal representatives of such decedent shall pay the whole

of such tax, except on real estate, to sell which or to receive the rents and profits of which he is not authorized by the will, and the sureties in his official bond shall be bound for the payment thereof.

(c) Where there is no personal estate, or the personal representative is not authorized to sell or to receive the rents and profits of the real estate, the tax shall be paid by the devisee or devisees, or those to whom the estate may descend by operation of law.

(d) Such payment shall be made to the treasurer of the county or city in which certificate was granted such personal representative for obtaining probate of the will or letters of administration.

(e) The treasurer shall apply for such tax, and when it is paid give therefor duplicate receipts, one of which shall be lodged with the clerk of the court in which certificate may have been granted for obtaining probate of the will or letters of administration. The clerk shall record such receipt in the book wherein he records appraisements and accounts of sales of decedents' estates, and he shall forthwith transmit a copy thereof to the auditor of public accounts. The other receipt shall be delivered to the commissioner of the revenue of the district or city wherein such personal representative or devisee resides; the commissioner of the revenue on such delivery shall make a copy thereof, at the foot of which he shall sign an acknowledgment that it is a copy of a receipt which has been delivered to him, stating the date of the delivery. Such copy shall be delivered to the personal representative or person who paid the tax, who shall pay therefor to the commissioner of the revenue a fee of fifty cents. Every clerk or commissioner to whom any such receipt is delivered shall forthwith transmit a copy thereof to the said auditor. Every personal representative or other party or officer failing in any respect to comply with this section shall forfeit one hundred dollars.

(f) Any personal representative, devisee, or person to whom the estate may descend by operation of law, failing to pay such tax before the estate on which it is chargeable is paid or delivered over (whether he be applied to for the tax or not) shall be liable to damages thereon at the rate of ten per centum per annum from the time such estate is paid or delivered over until the tax is paid, which damages may be recovered, with the tax, on motion of the attorney for the Commonwealth, and in the name of the Commonwealth, against him in the circuit or county court for the county or in the corporation court of the city wherein such tax was assessed, except that in the city of Richmond the motion shall be in the chancery court. Such estate shall be deemed paid or delivered at the end of a year from the decedent's death, unless and except so far as it may appear that the legatee or distributee has neither received such estate nor is entitled then to demand it.

LICENSES—SCHEDULE A.

MERCHANTS.

45. Every merchant shall pay a license tax for the privilege of transacting business in this State, to be graduated by the amount of purchases made by him during the period for which his license is granted. To ascer-

tain the amount of purchases, it shall be the duty of such merchant, on the first day of April of each year, or within ten days thereafter, to make report in writing, under oath, to the commissioner of the revenue for the district for which he was licensed, showing the amount of goods actually bought by him during the next preceding twelve months. The form of the report required by this section shall be prepared by the auditor of public accounts and furnished to each commissioner of the revenue, and by him distributed to each licensed merchant; and each commissioner shall, in the mode prescribed for making such report by him of violations of the revenue law, report every merchant who shall fail to comply with the requirements of this section. Any person violating the provisions of this section shall pay a fine of not less than thirty dollars nor more than one thousand dollars for each offense.

MERCHANTS' LICENSES.

46. For every license to a merchant or mercantile firm or corporation engaged in the business of a merchant, the amount to be paid shall be graduated as follows: If the amount of purchase shall not exceed one thousand dollars, the amount shall be five dollars; when purchases exceed one thousand dollars, but do not exceed two thousand dollars, the amount shall be ten dollars; and for all purchases over two thousand dollars and less than fifty thousand dollars, there shall be paid thirty cents on the one hundred dollars; and upon all the purchases over fifty thousand dollars there shall be paid ten cents on every hundred dollars in excess of fifty thousand dollars. The sums imposed under and by virtue of this section shall be in lieu of all taxes for State purposes on the capital actually employed by said merchant or mercantile firm or corporation in said business, except the registration fee and franchise tax, and except that such merchant shall not be exempt from the payment of county, district, and road levies on the net amount of capital on hand on the first day of February of each year, and may be required to pay the usual county, district, and road levies thereon notwithstanding this act. The word "capital" shall include moneys and credits actively used in carrying on the business, including goods, wares, and merchandise on hand, and all solvent bonds, demands, and claims made and contracted in the business during the preceding year; but real estate shall not be held to be capital, but shall be assessed and taxed as other specific property. All other property held by such merchant or firm or corporation engaged in mercantile business shall be listed and taxed as other property. The sums required by this section to be paid when the license is taken out shall be collected in the same manner that the amounts required to be paid for other licenses are collected. If, after the close of the year for which his license issued, the merchant should elect not to renew it, but desires the privilege to sell whatever remnant of purchase he may have on hand at the time, it may be lawful for him to do so upon the payment for a license upon said remnant of merchandise, to be regarded for purposes of revenue as purchases. Merchant tailors, lumber merchants, furniture merchants, butchers, green grocers, hucksters, dealers in coal, ice, or wood shall be embraced in this section; but dealers in coal, wood, or ice paying license tax under

this section may peddle the same from vehicles without paying additional tax. But nothing in this section shall be so construed as to require a license of any person who may canvass any county or corporation to buy lambs, pigs, calves, fowls, eggs, butter, and such like small matters of subsistence designed as food for man, but any person who shall keep a place of business for the purpose of selling such articles in or within a half mile of any city or town in the State shall take out license therefor as hereinbefore prescribed: provided, that dealers in coal and wood in cities of forty thousand inhabitants or more who peddle the same from vehicles shall pay an additional tax of fifty dollars for each wagon thus used.

OYSTER PACKERS.

46. (a) Every person, firm, or corporation engaged in the business of shucking or packing oysters in this State shall pay a license tax for the privilege of transacting such business, to be graduated by the amount of oysters shucked or packed by him during the period for which his license is granted. To ascertain the amount of oysters shucked or packed it shall be the duty of such person, firm, or corporation, on the first day of April of each year, or within ten days thereafter, to make report in writing, under oath, to the oyster inspector for the district for which he was licensed, showing the amount of oysters actually shucked or packed by him during the next preceding twelve months. The form of report required by this section shall be prepared by the auditor of public accounts and furnished to each oyster inspector, and by him distributed to each licensed oyster packer; and each inspector shall in the mode prescribed for making such report by him of violations of the oyster laws report every oyster packer who shall fail to comply with the requirements of this section. Any person, firm, or corporation violating the provisions of this section shall pay a fine of not less than thirty dollars nor more than one thousand dollars for each offense.

OYSTER PACKERS' LICENSES.

46. (b) For every license to a person, firm, or corporation engaged in the business of shucking or packing oysters the amount to be paid shall be graduated as follows: If the amount of oysters shucked or packed by such person, firm, or corporation shall not exceed twenty-five thousand gallons, the amount shall be five dollars; when the amount of such oysters exceeds twenty-five thousand gallons, but does not exceed fifty thousand gallons, the amount shall be ten dollars; when the amount of such oysters exceeds fifty thousand gallons and does not exceed one hundred thousand gallons, the amount shall be twenty-five dollars; when the amount of such oysters exceeds one hundred thousand gallons and does not exceed two hundred thousand gallons, the amount shall be fifty dollars; when the amount of such oysters exceeds two hundred thousand gallons, the amount shall be one hundred dollars. The sums imposed under and by virtue of this section shall be in lieu of all taxes for State purposes on the capital actually employed by said person, firm, or corporation in said business. The word "capital" shall include moneys and credits actively used in

carrying on the business, including goods, wares, and merchandise on hand, and all solvent bonds, demands, and claims made and contracted in the business during the preceding year; but real estate shall not be held to be capital, but shall be assessed and taxed as other specific property. All other property held by such person, firm, or corporation shall be listed and taxed as other property. The sums required by this section to be paid when the license is taken out shall be collected in the same manner that the amounts required to be paid for other licenses under the oyster laws of the State are collected, and shall be accounted for as part of the oyster fund.

RAILROAD AND OTHER INCORPORATED COMPANIES WHICH SELL MINERAL OR FOREST PRODUCTS OR OTHER ARTICLES.

47. Every railroad company or other incorporated company in this Commonwealth, whether such privilege be granted in its charter or not, which shall sell any mineral or forest product, or any other article, shall be taxed as other merchants dealing in like commodities. This act shall apply to companies keeping commissaries, or having agents for the sale of any other article than their own product: provided, that nothing herein contained shall prevent a railroad company from buying and distributing to its employees, as part of their compensation, meat, meal, and flour, at the cost price thereof; but nothing in the foregoing shall be construed as requiring a company selling the products of their own mines, or lands, or manufactures, to pay a merchant's license for so doing. Any railroad company or other incorporated company selling any article or product on account of the owner, and receiving a compensation therefor other than for transportation, storage, or handling, as provided in its charter, shall pay a license the same as commission merchants. It shall be the duty of the commissioner of the revenue to ascertain the liability of such individuals or companies in this State to the payment of such license taxes, and shall assess the same in the same manner as other merchants.

COMMISSION MERCHANTS.

48. Every person, firm, or corporation buying or selling for another any kind of merchandise on commission shall be a commission merchant. Any person, firm, or corporation licensed as a commission merchant may sell any personal property which may be left with or consigned to him for sale, except wine, ardent spirits, and malt liquors, gold or silver coin, bonds, certificates of public or private debts, or other securities: provided, however, that any such merchant may sell wine, ardent spirits, and malt liquors, gold and silver coin, bonds, certificates of public or private debts, or other securities by taking out the license therefor prescribed in the case of liquor merchants or stock brokers. Any person, firm, or corporation buying or selling contrary to the provisions of this section, or who shall in any manner violate the same, shall pay a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

COMMISSION MERCHANT'S LICENSE.

49. Every person, firm, or corporation shall pay for the privilege of transacting the business of a commission merchant the sum of fifty dollars; but when his commissions shall exceed one thousand dollars, the sum to be paid shall be sixty dollars, and ten dollars for each thousand in excess of two thousand dollars; and if the license is to include the privilege of selling wine, ardent spirits, and malt liquors, gold or silver coin, bonds, certificates of public or private debts, or other securities, there shall be paid in addition the amount required in each case to be paid by liquor merchants and stock brokers, and in like manner.

SALE BY PEDDLERS.

50. Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or actually sell or barter the same, shall be deemed to be a peddler, and any person licensed as a peddler may sell any personal property a merchant may sell, or he may exchange the same for other articles; and whenever a license is granted to a peddler to sell such goods, wares, or merchandise, his license shall be valid for one year from date of its issue. Said license shall not be transferable, and any person so licensed shall endorse his name on the said license, and such license shall confer authority to sell at any house or place within the county or city in which the license was granted. Any peddler who shall peddle for sale, or sell or barter, without a license, shall pay a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, one-half of which shall go to the informer; and any person selling, or offering to sell, as a peddler shall exhibit his license on demand of any citizen of the county, city, or town in which he sells or offers to sell or barter; and upon his failure or refusal to do so, he shall be subject to the penalties of peddling without a license. This section shall be construed to include persons engaged in peddling lightning rods. All persons who do not keep a regular place of business (whether it be in a house, on a vacant lot, or elsewhere), open at all times in regular business hours, and at the same place, who shall offer for sale goods, wares, and merchandise, shall be deemed peddlers under this act. And all persons who keep a regular place of business open at all times in regular business hours, and at the same place, and who shall personally, or through their agents, offer for sale or sell, and at the time of such offering or sale deliver goods, wares, and merchandise elsewhere than at such regular place of business, shall also be deemed peddlers as above; but this section shall not apply to those who sell, or offer for sale, in person or by their employees, ice, fuel, meats, fowls, fish, game, vegetables, fruits, or other family supplies of a perishable nature grown or produced by them.

PEDDLER'S LICENSE.

51. For the privileges of peddling or bartering in any county, city, or town, there shall be paid two hundred and fifty dollars for each person so engaged or employed when he travels on foot, and when he peddles

otherwise than on foot the tax paid shall be five hundred dollars, except that the tax on peddlers of milk, butter, eggs, poultry, fish, oysters, game, fruit, and farm products not grown or produced by them, shall be fifty dollars for each vehicle used in such peddling, and except that the tax on peddlers of lightning rods shall be two hundred dollars, and that peddlers in coal and wood in cities of over forty thousand inhabitants who peddle the same from vehicles, shall pay a tax of fifty dollars for each vehicle used. Every vehicle used in peddling as aforesaid shall have conspicuously displayed thereon the name of the peddler using the same, together with his street and number of his residence, if he resides in any city or town. It shall be the duty of the commissioner of the revenue to issue a peddler's license to a person desiring to obtain the same, upon the presentation to him of a certificate of the county or city treasurer that the license tax has been paid to him. Nothing under this or the preceding section shall be construed to require of any farmer a peddler's license for the privilege of selling or peddling farm products, wood or charcoal, grown or produced by him.

SALE OR BARTER OF PATENT RIGHTS.

52. No person, except the patentee, shall sell or barter the right to manufacture or use any machinery or other thing patented under the laws of the United States without first having obtained a license therefor from some commissioner of the revenue of a county or city, which license shall grant the privilege of selling anywhere in the State; but if used out of the county or city where granted, shall be authenticated by the certificate of the clerk of the circuit court of the county or the clerk of the corporation court of the city where granted, that the person signing the same is really the commissioner of the revenue, and that his signature is believed to be genuine. A separate license shall be required on each patented thing of which the right to make or use is sold, but any person owning the State right for any patented thing may sell anywhere in the State through agents provided with a copy of his license thus obtained, certified as hereinbefore provided. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

LICENSE FOR SALE OR BARTER OF PATENT RIGHTS.

53. Every person who shall sell or barter the right to manufacture or use machinery or other thing patented under the laws of the United States, except the patentee, if he be a citizen of the United States, shall pay for the privilege the sum of twenty-five dollars. Nothing in this or the preceding section shall be construed to authorize the sale of the article or thing patented.

LAND AGENTS.

54. No person, firm, or corporation shall, without a license, act as agent for the sale of lands. Any person licensed as a land agent may sell land in this Commonwealth entrusted to him for sale. Any person

selling land, or offering to sell the same, who is not an auctioneer, or who has not the fee simple title, or any other less estate therein, shall be held to be a land agent; but this section shall not be construed to prevent any person not engaged in the business of selling land for compensation from selling, without license, any lands for the sale of which he has a duly authenticated power of attorney, nor commissioners and receivers appointed by the courts, nor executors of wills, nor trustees in deeds of trust. For any violation of this section the person offending shall pay a fine of not less than one hundred nor more than five hundred dollars for each offense.

ON A LAND AGENT.

55. A land agent shall pay for the privilege of selling land entrusted to him for sale the sum of ten dollars and one-eighth of one per centum on amount of sales: provided, however, that if his place of business is in a town or city of more than two thousand and not exceeding three thousand inhabitants, he shall pay the additional sum of ten dollars; if in a town or city of more than three thousand and not exceeding four thousand inhabitants, he shall pay the additional sum of twenty dollars; if in a town or city of more than four thousand and not exceeding five thousand inhabitants, he shall pay the additional sum of thirty dollars; if in a town or city of five thousand inhabitants or more, he shall pay the additional sum of forty dollars: and provided, further, that where there is a firm of land agents doing business at one locality, said tax shall be on the firm and not on each member thereof.

BOOK AGENTS.

56. No person, firm, or corporation shall, without a license, act as a book agent.

Any person, firm, or corporation other than a licensed merchant, who shall receive subscriptions for or shall in any manner furnish books, maps, prints, pamphlets, or periodicals, shall be deemed to be a book agent. Any person desiring to distribute or sell any religious books, pamphlets, or periodicals may apply to the judge of the county, circuit, or corporation court of any county or city in which he may desire to distribute or sell the same, and said judge, upon being satisfied that the person applying is of good character and a proper person in whom to confide the trust of selling or distributing such books, may direct the commissioner of the revenue to grant him a license without the payment of a license tax therefor. Any person, firm, or corporation violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

LICENSE ON BOOK AGENTS.

57. A book agent shall pay for the privilege of acting as such the sum of ten dollars.

AUCTION SALES; WHO MAY SELL WITHOUT A LICENSE.

58. No person shall sell at auction or public outcry for compensation, without a license, except in the following cases, to-wit:

First. The estate of a decedent may be sold by his personal representative or his agent, according to law or the provisions of the will.

Second. Property conveyed by deed of trust, or decreed or ordered to be sold by a court, may be sold according to the deed, decree, or order.

Third. Any person may sell the agricultural products of this State arising from his own or other labor under his control, or his real or personal estate not purchased or sold on speculation.

Fourth. Any officer may sell property distrained by him under execution or other legal process.

Fifth. Licensed commission merchants may sell live or dressed fowls, fresh vegetables, and fresh fish upon taking out license of a common crier.

AUCTIONEER'S ACCOUNT OF SALES.

59. Every auctioneer other than a tobacco auctioneer shall keep an account of sales made by him, showing the aggregate amount thereof; and whenever required by a commissioner of the revenue, shall render an account for assessment, of all his sales during the period for which his license was granted, and shall sign and answer all interrogatories respecting such sales as may be propounded to him in pursuance of law. Such accounts, statements, and answers shall always be on oath.

WHAT AN AUCTIONEER MAY DO.

60. An auctioneer may conclude the sales of anything he is authorized to sell, grant a certificate or other evidence of the sale, and receive the money; but no auctioneer shall authorize or permit any person to sell any property under and by virtue of his license, except the person so authorized or permitted is actually and bona fide in the employment of such auctioneer, and is actually and bona fide a resident of the county or city where such auctioneer is licensed to do business, and the commissions on such sales are actually and bona fide for the benefit of such auctioneer; and no license shall be construed to authorize the person to whom it is issued to sell at more than one regular establishment; but an auctioneer may sell anywhere in the county or city wherein he is licensed public stocks, houses, lots, and furniture, or ships or vessels, on the premises where the same may be, or at the exchange or the store of a regular licensed merchant declining business, or goods in the original form and packages as imported and bulky articles such as have usually been sold in warehouses, or in the public streets, or on the wharves, or at such other places in the county or city wherein such auctioneer is licensed, as shall be desired by the owner or importer of such bulky articles or imported goods. If any auctioneer shall violate any of the provisions of this section he shall forfeit and pay for every offense twenty dollars, to be recovered for the use of the party prosecuting the same before a justice of

the peace, in like manner as other fines and penalties are imposed and collected. The offer to sell each article shall be deemed a separate offense.

CLASSIFICATION OF AUCTIONEERS.

61. Auctioneers shall consist of general auctioneers, real estate auctioneers, and tobacco auctioneers, and shall be so classified that their powers and duties and the restrictions and penalties thereon shall be separate and distinct—that is to say:

GENERAL AUCTIONEERS; WHAT THEY MAY SELL.

62. Any person, licensed as a general auctioneer, may sell any goods, wares, merchandise, and other articles not prohibited by law; but he shall not sell wine, ardent spirits, malt liquors, or any mixture thereof, unless and until he shall have obtained a license therefor in the mode prescribed by law.

GENERAL AUCTIONEERS' LICENSE.

63. A general auctioneer shall pay the sum of fifty dollars, and if the place of business is in a city or town having a population of more than five thousand inhabitants, two dollars for every thousand above that number; but said sum shall in no case exceed one hundred and thirty dollars. And he shall pay an additional sum of one-fourth of one per centum on the amount of sales for the year. If he sells wine, ardent spirits, malt liquors, or any mixture thereof, he shall pay one-half of one per centum on the amount of such sales.

REAL ESTATE AUCTIONEERS.

64. Any person licensed as a real estate auctioneer may sell, in the county or city wherein he is licensed, at auction or privately, any real estate in this Commonwealth entrusted to him for sale: provided, that no such auctioneer shall be allowed to negotiate loans upon a mortgage of real estate, or otherwise, without taking out an additional license as a private banker. For any violation of this section the person so offending shall pay a fine of not less than one hundred dollars, nor more than one thousand dollars for each offense.

REAL ESTATE AUCTIONEERS' LICENSE.

65. A real estate auctioneer shall pay the sum of fifty dollars; if the place of business is in a city or town containing a population of five thousand inhabitants or under, he shall pay seventy-five dollars; if in a city of more than five thousand but not exceeding twenty thousand inhabitants, he shall pay one hundred dollars; and in a city of more than twenty thousand inhabitants, he shall pay one hundred and twenty-five dollars.

TOBACCO AUCTIONEERS.

66. Any person or firm licensed as a tobacco auctioneer may sell at auction any tobacco not prohibited by law to be sold. For any violation of this section the person or firm offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

TOBACCO AUCTIONEERS' LICENSE.

67. Tobacco auctioneers shall pay for the privilege of transacting business twenty-five dollars, except in cities they shall pay fifty dollars: and provided, further, that in incorporated towns the auctioneer for any warehouse or warehouses in which were sold during the previous year, ending April thirtieth, five millions of pounds or more of tobacco shall pay fifty dollars; but in any case where such sales amount to less than one million of pounds the tax shall be only ten dollars.

LICENSES TO RETAILERS OF TOBACCO.

68. No person not a producer shall be allowed to sell by retail tobacco, snuff, or cigars without having obtained a specific license to do so. The sum to be paid by retailers of tobacco, snuff, or cigars shall be for said privilege a specific tax of five dollars, which shall be assessed and collected as other assessments upon license, but which shall not be in lieu of merchants' license on purchases.

JUNK-DEALERS, CANVASSERS, ETC.

69. No keeper of a shop, for the purposes herein mentioned, or master of a vessel, or other person shall, without a license authorized by law, purchase, sell, barter, or exchange any kind of second-hand articles, junk, rags, old metals, or other like commodities. The hustings or corporation court of any city and the county or circuit court of any county, may grant a license to any citizen of the United States who shall produce to it satisfactory evidence of his good character to exercise or carry on the business of a junk-dealer, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a junk-dealer without being duly licensed, nor in any other building than the one designated in said license, except by the consent of the court which granted the license, under the penalty of fifty dollars for each day he shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the court as aforesaid. The place at which such business may be conducted shall be kept open for the purchase or sale of any of the articles mentioned aforesaid. Nor shall any purchase be made by such person, or by any other person or persons for him, except between the hours of sunrise and sunset, and such place of business shall be open at all times to the inspection of any revenue or police officer of the county or corporation wherein the license issued. Every person receiving such license shall place over the principal entrance of his place

of business a sign designating that he is licensed as a junk-dealer. Nor shall any person canvass for the purpose of buying any junk or other matters or things for any such junk-dealer, or for sale to a junk-dealer, without taking out a license. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense. Nothing contained in this section shall be construed or operate to prevent any person keeping a foundry from exchanging his new castings for old castings. Nothing in this section shall be construed to prevent any regular licensed merchant in the country or in towns having a population of two thousand or less from buying or trading for rags, old iron, or other articles of junk, unless there be a regular licensed junk-dealer within three miles of his place of business; such merchant to be subject at all times to the same conditions of inspections as a regular junk-dealer. Every junk-dealer and every merchant and foundryman who deals in junk, old metal, et cetera, shall keep at his place of business a book in which shall be fairly written in English, at the time of each transaction in the course of his business, an accurate account of such transaction as to the purchase of rags, bones, old iron, and paper, setting forth a description of the goods, article, or thing purchased; the time of receiving the same; the name and residence of the person selling or delivering the same; the terms and conditions of purchase, or receipt thereof, and all other facts and circumstances respecting such purchase, or receipt, which said book or books shall at all times be subject to the inspection of the judges of the criminal courts, the chief of police, the captains and sergeants of the police of the city, town, or county wherein said business is being conducted, or any or either of them, sergeant and sheriff of such city, town, or county, or other officer with police jurisdiction: provided, however, that this section shall not apply to articles bought without the State of Virginia. It shall be the duty of every junk-dealer, every such merchant and foundryman, to admit to his premises at any time any officer mentioned above to examine any book or other record on the premises, as well as the articles purchased, or received, and to search for and take into possession any article known by him to be missing, or known or believed by him to have been stolen, without the formality of the writ of search warrant or any other process, which search or seizure is hereby authorized. Every junk-dealer shall be liable to all the penalties herein provided for violation of any of the provisions of this section, whether such violations be committed by himself or by his agent, clerk, or employee.

JUNK-DEALERS' LICENSE.

70. Every junk-dealer shall pay for the privilege of transacting business the sum of fifty dollars; for the privilege of canvassing for the purpose of buying any junk or other matters or things for any such junk-dealer, or for sale to a junk-dealer, each person so engaged shall pay the sum of twenty-five dollars.

COMMON CRIERS.

71. No person shall act as a common crier without a license. A per-

son licensed as a common crier may, except in cities of over fifteen thousand inhabitants, cry for sale at any place in the county or city in which his license issued any property, real or personal, for an auctioneer, fiduciary, or the owner of the property, when such owner is authorized to sell the same by auction, but he shall not conduct a sale otherwise than under the present and immediate direction of the property owner or other person authorized to sell the same, nor shall he cry such property or conduct such sale by an agent. He shall not, as such crier, receive money on account of the sale or grant acquittances. He may receive for his services a stated compensation, but he shall not receive any commission or percentage on the amount of the sale, nor any specific or contingent interest in the sale as a compensation for his services directly or indirectly. Any person licensed as a common crier in a city of over fifteen thousand inhabitants may sell fowl, butter, fresh fish, fresh vegetables, fruit, or articles of like perishable nature. For any violation of this section the person offending shall pay a fine of not less than fifty nor more than five hundred dollars for each offense.

LICENSE TO COMMON CRIERS.

72. Each and every person, in order to be licensed as a common crier, shall pay five dollars.

SHIP BROKERS.

73. No person, firm, or corporation shall act as a ship broker without a license. Any person engaged in the management of business matters occurring between the owners of vessels and the shippers or consignors of the freight which they carry shall be deemed to be a ship broker. Any person, firm, or corporation violating the provisions of this section shall pay a fine of not less than one hundred dollars nor more than five hundred dollars for each offense.

SHIP BROKER'S LICENSE.

74. A ship broker shall pay for the privilege of transacting business the sum of fifty dollars.

STOCK BROKERS.

75. No person, firm, bank, or corporation shall, without a license, act as a stock broker. Any person, firm, bank, or corporation that deals in coin, foreign or domestic exchange, government stock, or other certificates of debt, or shares in any corporation or chartered company, bank notes, or other notes used as a currency, or who sells the same, or any of them, on commission or for other compensation, or who negotiates loans upon real estate security, except a licensed attorney at law, shall be deemed to be a stock broker. A stock broker shall have the right to buy and sell for profit, or to sell on commission, the coin, exchange, stocks, certificates of debt, shares in chartered companies, bank notes, and notes used as a currency as aforesaid, and may sell either privately or by auction,

and also negotiable loans upon real estate security. Any person, bank, or corporation violating the provisions of this section shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offense.

BANKERS OR BROKERS ENGAGED IN DEALING IN OPTIONS OR FUTURES.

76. Any person, firm, or corporation engaged in buying and selling, or who receives orders to buy or sell, cotton, grain, provisions, or other commodities, stocks, or bonds shall be deemed to be a banker or broker dealing in options and futures.

Any person so dealing in options or futures without a license to transact or engage in such business shall pay a fine of not less than three hundred dollars nor more than five hundred dollars for each offense.

LICENSE TO BANKERS OR BROKERS DEALING IN OPTIONS OR FUTURES.

77. Every banker or broker dealing in options or futures, or in buying or selling options or futures, shall pay the sum of two hundred dollars for the privilege of transacting such business.

LICENSE TO STOCK BROKERS.

78. A stock broker shall pay for the privilege of transacting business the sum of one hundred dollars, but in towns or cities of over five thousand and not more than ten thousand inhabitants he shall pay one hundred and fifty dollars, and in cities of more than ten thousand inhabitants he shall pay two hundred and fifty dollars for each office or place of business kept for that purpose.

PRIVATE BANKERS.

79. No person or firm shall engage in the business of a private banker without a license. Any person or firm engaged in the business of receiving money on deposit, or in lending or advancing money, or in negotiating loans on notes, bonds, furniture, or any class of security or securities, or in discounting, buying, or selling negotiable or other paper or credits, commonly known as street brokers, whether at an office kept for the purpose or elsewhere, shall be deemed to be a private banker. Any person or firm violating the provisions of this section shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offense.

LICENSE TO PRIVATE BANKERS.

80. A private banker shall pay fifty dollars on a capital of five thousand dollars or under; one hundred dollars on a capital exceeding five thousand dollars and not exceeding ten thousand dollars; one hundred and fifty dollars on a capital from ten to twenty thousand dollars; two hundred and fifty dollars on a capital of over twenty thousand dollars and not exceeding thirty thousand dollars, and an additional sum of five

dollars per thousand on every thousand dollars in excess of thirty thousand.

PAWNBROKERS.

81. No person shall, without a license, act as a pawnbroker. Any person who shall in any manner lend or advance money or other things for profit on the pledge and possession of personal property, or other valuable things other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back to the seller at a stipulated price, shall be held to be a pawnbroker. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

The hustings or corporation court of any city and the circuit or county court of any county may from time to time grant a license to any citizen of the United States, who shall produce satisfactory evidence of his good character, to exercise or carry on the business of a pawnbroker in his city or county, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the hustings or corporation court of the city, or the circuit or county court of the county in which he may desire to carry on said business, nor in any other building other than the one designated in said license, except by consent of the court which granted the license, under the penalty of fifty dollars for each day he shall exercise or carry on said business without such license, or in any other building than the one so designated.

Every person so licensed shall, at the time of receiving such license and before the same shall be operative, enter, with two sufficient sureties, into a joint and several recognizance to the Commonwealth of Virginia in the penal sum of twenty-five hundred dollars, condition for the due observance of all acts of the general assembly of Virginia which may be in force respecting pawnbrokers at any time during the continuance of such license. If any person shall be aggrieved by the misconduct of any such licensed pawnbroker, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said pawnbroker in any court having jurisdiction of the amount claimed: provided, such court shall, upon application made for the purpose, grant such leave to prosecute.

Every pawnbroker shall keep a book, in which shall be fairly written at the time of each loan an accurate account and description of the goods, article, or thing pawned or pledged, the amount of money loaned thereon at the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article, or thing, together with a particular description of such person, including complexion, color of eyes and hair, and his or her height and general appearance.

Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging any goods, article, or thing, a memorandum or note, signed by him or her, containing the substance of the entry required to

be made in his or her book by the last preceding section, except as to the description of the person, and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or note.

Said book shall at all reasonable times be open to the inspection of the judges of the criminal courts, the chief of police, and captains and sergeants of the police of the city, town, or county wherein said business is being conducted, or any or either of them, sergeant and sheriff of such city, town, or county, or other officer with police jurisdiction.

No pawnbroker shall sell any pawn or pledge until the same shall have remained four months in his or her possession, unless by consent in writing of the pawner, and all such sales shall be made at public auction and not otherwise, and shall be made or conducted by such auctioneers as shall be designated and approved of for that purpose by the court granting the license.

Notice of every such sale shall be published for at least five days previous thereto, in one or more of the daily newspapers of general circulation printed in such city. Those doing business in any county shall advertise as above in some newspaper if any published in said county, and if no newspaper be published in such county, then in some newspaper published in an adjoining county, and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the articles to be sold.

The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Any licensed pawnbroker who shall violate or neglect or refuse to comply with any or either of the provisions of this act, except those contained in section one, shall, for every such offense, upon conviction before a court of competent jurisdiction, pay a fine of not more than one hundred dollars.

No pawnbroker shall ask, demand, or receive a greater rate of interest than ten per centum per month on a loan of twenty-five dollars or less, or five per centum per month on a loan of over twenty-five dollars and less than one hundred dollars, or three per centum per month on a loan of one hundred dollars or more, secured by pledge of tangible personal property. And no loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker.

Police Regulations.—Every pawnbroker shall keep at his place of business a book, or books, in which shall be fairly written in English, at the time of each loan or transaction in the course of his business, an accurate account of such loan or transaction, setting forth a description of the goods, article, or thing pawned, or received on account of money loaned thereon; the time of receiving the same; the name and residence of the person pawning or delivering the same; the terms and conditions of loan, including the period for which any such loan may be made, and all other facts and circumstances respecting such loan, which said book, or books,

shall at all times be subject to the inspection of the officers before mentioned.

No property of any kind received on deposit or pledge by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner whatsoever, so long as it continues in pawn or in the possession of such pawnbroker, nor shall such property be in any manner concealed for the space of forty-eight hours after the same shall have been received by such pawnbroker.

It shall be the duty of every pawnbroker, and of every person in the employ of such pawnbroker, to admit to his premises at any time any officer mentioned in this act to examine any pledge or pawn, book or other record on the premises, as well as the articles pledged, and to search for and take into possession any article known by him to be missing, or known or believed by him to have been stolen, without the formality of the writ of search warrant or any other process, which search or seizure is hereby authorized.

The following regulation is hereby made for storing or taking care to prevent injury during disuse on blankets, clothing, carpets, furs, rugs, dress goods, cloths, mirrors, oil paintings, glass and china ware, pianos, organs, curtains, bedding, and upholstered furniture. Pawnbrokers shall be allowed to charge two per centum per month in addition to the regular charges for the first three months, or part thereof, while such goods shall remain as pledge for money advanced.

Every pawnbroker shall be liable to all the penalties hereinafter provided for violation of any of the provisions of this article, whether such violations be committed by himself or by his agent, clerk, or employee.

Every person who shall be convicted of violating any of the provisions of this section shall, for the first offense, forfeit and pay a penalty, except in cases where a different penalty is herein provided, not exceeding twenty-five dollars, and for a subsequent offense shall pay such penalty as the court may impose, and shall, in the discretion of the court, forfeit his license.

PAWNBROKER'S LICENSE.

82. A pawnbroker shall pay for the privilege of transacting business two hundred and fifty dollars.

LICENSE FOR A BROKER WHO RECEIVES OR DISTRIBUTES PROVISIONS AND MERCHANDISE, INCLUDING FLOUR, HAY, OR GRAIN.

83. Every person, firm, or corporation doing business in this State, who receives or distributes provisions and merchandise, including flour, hay, or grain, shipped into the State for distribution on account of the shipper, and who participates in the profits ensuing from or accruing out of the sales of such provisions and merchandise, including flour, hay, or grain, and who invoices such sales and collects the money therefor, shall be deemed to be a broker who receives or distributes provisions and merchandise, including flour, hay, or grain, and shall pay a license tax of one hundred dollars.

Every person, firm, or corporation who conducts such business without

a license shall pay a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.

LICENSE ON A BUILDING AND LOAN ASSOCIATION OR COMPANY.

84. No building and loan association or company, incorporated under the laws of this or any other State, shall, without a license, conduct any business or solicit the sale of stock, or offer to lend money in this State; nor shall any person act as an agent of any such association or company unless the association or company he represents has a license.

The specific license tax upon every building and loan association or company for the privilege of doing business in this State shall be seventy-five dollars: provided, the capital of such association or company actually paid in, whether from paid-up stock or partially paid stock, is not over twenty-five thousand dollars; if the capital paid in is over twenty-five thousand dollars and not more than fifty thousand dollars, the tax shall be one hundred and ten dollars; if the capital paid in is over fifty thousand dollars and not more than one hundred thousand dollars, the tax shall be one hundred and fifty dollars; if the capital paid in is over one hundred thousand dollars and not more than one hundred and fifty thousand dollars, the tax shall be one hundred and eighty-five dollars; if the capital paid in is over one hundred and fifty thousand dollars and not more than two hundred thousand dollars, the tax shall be two hundred and twenty-five dollars; if the capital paid in is over two hundred thousand dollars and not more than three hundred and fifty thousand dollars, the tax shall be two hundred and sixty-five dollars; if the capital paid in is over three hundred and fifty thousand dollars and not more than four hundred thousand dollars, the tax shall be three hundred and seventy-five dollars; and on capital paid in exceeding four hundred thousand dollars, the tax shall be three hundred and seventy-five dollars, and the additional sum of fifty cents for each thousand dollars of such excess: provided, that a non-resident building and loan association or company doing business in this State, which has otherwise complied with the laws of Virginia, shall pay the license tax herein imposed, based upon its capital invested in this State.

A building and loan association, or company which does business on a purely mutual plan, and confines its business solely to the city or county where it is organized, shall pay a license tax of fifty dollars.

It shall be the duty of each association or company, on the first day of April of each year, or within ten days thereafter, to make a report in writing of its capital paid in if the association or company be incorporated under the laws of this State, or of its capital invested in this State, if it be a non-resident association or company, under oath of its chief officer or agent, to the commissioner of the revenue for the district in which its principal office or agency in this State is situated.

Any building and loan association or company, or the agents of any such association or company, which does business in this State without paying the license tax herein imposed, shall pay a fine of not less than fifty dollars nor more than five hundred dollars.

The shares of stock issued by any building and loan association or

company, which has paid the license tax herein imposed, shall not be taxable in the hands of the holder, nor shall any additional State tax be imposed on the paid in capital of such association or company.

No city or town shall levy a greater license tax on the paid in capital of any such association or company than that imposed herein for State purposes, and such city or town license tax shall be levied only where the principal office of such association or company is located in this State.

INSURANCE BROKERS.

85. No person shall, without a license, act as insurance broker. Every person not being a licensed insurance agent or a clerk actually employed in his office, who shall solicit for compensation, directly or indirectly, to be derived therefrom, any fire, marine, life, or other insurance, either on account of any person desiring to effect any such insurance or on account of any insurance company licensed to do business in this State, shall be deemed an insurance broker. Any person acting as insurance broker without a license shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense. And any person or firm who shall fill up, sign, or deliver a policy or certificate of insurance for a corporation or association or persons not licensed to do an insurance business in this State by a legally authorized agent, shall be considered an agent of such corporation, or person, or association, and such person, corporation, or association shall be liable for all licenses, taxes, and penalties as if represented by a legally appointed agent. No person licensed as an insurance broker shall be authorized under his license to place any insurance in a company or association, or with a firm or person, not licensed to do an insurance business in this State.

LICENSES—INSURANCE BROKERS.

86. An insurance broker shall pay the sum of one hundred dollars for the privilege of transacting such business.

MERCANTILE AGENCIES.

87. Any person, firm, or corporation engaged in reporting the financial standing of merchants and others as a regular business for compensation shall be deemed a mercantile agency. Any person engaged in such business without a State license to transact such business shall pay a fine of not less than five hundred and not more than one thousand dollars: provided, that this section shall not apply to employees of mercantile agencies who only report to such agencies, nor to regularly licensed attorneys at law.

LICENSE OF MERCANTILE AGENCIES.

88. A mercantile agency shall pay for the privilege of transacting such business the sum of two hundred and fifty dollars. This section shall be construed to levy only one State license tax upon each such mercantile

agency, which license tax of two hundred and fifty dollars shall be paid annually direct to the auditor of public accounts.

UNDERTAKERS.

89. Any person, firm, or corporation engaged in the business of burying the dead shall be deemed an undertaker. Any person, firm, or corporation engaged in such business without a license shall pay a fine of not less than ten nor more than twenty-five dollars.

UNDERTAKER'S LICENSE.

90. An undertaker shall pay for the privilege of transacting such business the sum of twenty-five dollars, except in towns and counties the license tax shall be five dollars.

BARBERS, ETC.

91. Any person, firm, or corporation doing business as a barber or supplying baths for compensation shall be deemed a barber or proprietor of a bath-house, and shall on the first day of May in each year procure a license from the commissioner of revenue for the city or district in which it is proposed to conduct such business, which license shall be upon the following basis: For each barber's chair in excess of one the sum of fifty cents; for one bath-tub one dollar, and for each additional bath-tub the sum of fifty cents. Any person, firm, or corporation failing to comply with the provisions of this section shall be fined not less than two dollars, and not more than ten dollars, for each offense.

CONTRACTORS.

92. Any person, firm, or corporation accepting orders or contracts for doing any work on or in any building or structure requiring the use of paint, stone, brick, mortar, cement, wood, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring or other metal, or any other building material, or who shall accept contracts to do any paving or curbing on sidewalks or streets, public or private property, using asphalt, brick, stone, cement, wood, or any composition, or who shall accept an order for or contract to excavate earth, rock, or other material for foundations or any other purpose, or who shall accept an order or contract to construct any sewer of stone, brick, terra-cotta, or other material, shall be deemed a contractor. Every contractor shall on the first day of May in each year procure from the commissioner of the revenue for the city or district in which he has his office a license to carry on the business of a contractor: provided, that if such contractor has no office in this State, then he shall procure such license from the commissioner of the revenue for the city, county, or district where he conducts his business. Any person, firm, or corporation doing such business without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offense: provided, that no further license

shall be required by the State for conducting said business in any part thereof: and provided, further, that this section shall not apply to contractors, the gross amount of whose orders, accepted and executed, does not exceed five thousand dollars per annum.

LICENSES TO CONTRACTORS.

93. Every such contractor, for the privilege of transacting business in this State, shall pay a license to be ascertained in the following manner:

If the gross amount of all orders or contracts accepted aggregate five thousand dollars, he shall pay the sum of five dollars; if the amount of such orders or contracts are more than five thousand and do not exceed ten thousand dollars, ten dollars; if the amount of such orders or contracts exceed ten thousand and do not exceed twenty thousand dollars, fifteen dollars; if the amount of such orders or contracts exceed twenty thousand and do not exceed fifty thousand dollars, twenty dollars; if the amount of such orders or contracts exceed fifty thousand and do not exceed one hundred thousand dollars, fifty dollars; if the amount of such orders or contracts exceed one hundred thousand and do not exceed one hundred and fifty thousand dollars, one hundred dollars; and if the amount of such orders or contracts exceed one hundred and fifty thousand dollars, one hundred and fifty dollars. And when any such contractor shall have obtained a license for any year for which he has paid a license tax of less than the maximum above prescribed, he shall not accept any contract or contracts during such year the aggregate amount of which exceeds the maximum amount for which his said license was obtained, unless and until he shall have paid such additional sum as will make the total license tax paid by him for that year sufficient to cover the aggregate amount of such contract or contracts as prescribed above; and unless he pay such additional sum he shall be deemed to be acting without a license.

ARCHITECTS.

94. Any person or firm who shall, for compensation, draw or furnish plans for the construction of any building or other structure, shall be deemed an architect, and shall pay a license tax of twenty-five dollars a year for the privilege of conducting such business; the said license to be procured from the commissioner of the revenue of the city or district in which said architect has his or their office on the first day of May of each year: provided, that the tax upon an architect or architects whose income from such business has been less than five hundred dollars for the preceding year shall be ten dollars: and provided, further, that no further license shall be required by the State for doing business in any part thereof. Any person or firm violating the provisions of this section shall be fined not less than ten dollars nor more than thirty dollars for each offense.

HOUSES OF PRIVATE ENTERTAINMENT, ETC.

95. No person shall, without a license authorized by law, keep a house of private entertainment or eating house.

WHAT CONSTITUTES A HOUSE OF PRIVATE ENTERTAINMENT.

96. Any person who shall furnish, for compensation, lodging or diet to travelers or sojourners, or boarders in his house, or provender for a horse feeding in his stable or on his land, except a drove of live stock and persons attending the same, within five miles of any city, town, or village, shall be deemed to keep a house of private entertainment, unless he be an ordinary keeper or a keeper of a boarding-house: provided, that this section shall not be construed so as to include any person who may board and lodge his or her own children or wards. A license to keep a house of private entertainment shall not be construed to authorize the sale of wine, spirituous, or malt liquors, or a mixture of any of them, on the premises or within the curtilage of such private entertainment, nor shall any license be granted to sell, by retail or to be drunk where sold, any wine, spirituous, or malt liquors upon the premises or within the curtilage of any licensed private entertainment. Any person who shall keep a house of private entertainment without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may keep the same.

LICENSE TO KEEP A HOUSE OF PRIVATE ENTERTAINMENT.

97. Every person who keeps a house of private entertainment shall pay five dollars and an additional sum equal to five per centum of the actual annual rent or rental value of the house and furniture. The commissioner of the revenue shall determine such rent or rental value and may require the proprietor or tenant to state on oath what is the actual rent or what would be a fair rent of the house and furniture, and if he refuse to state the same he shall pay a fine of five hundred dollars.

WHAT CONSTITUTES AN EATING-HOUSE.

98. Any person who shall cook or otherwise furnish, for compensation, diet or refreshments of any kinds for casual visitors at his house, for consumption therein, and who is not the keeper of an ordinary, house of private entertainment, or boarding-house, shall be deemed to keep an eating-house, but the refreshments herein named shall not consist of wines, spirituous, or malt liquors, or a mixture of any of them. Any person who shall keep an eating-house without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may keep the same.

LICENSE TO KEEP AN EATING-HOUSE.

99. Every person who shall keep an eating-house shall pay for the privilege twenty-five dollars, and where the annual rent or rental value of the house and furniture is not less than one hundred dollars nor more than one thousand dollars he shall pay an additional sum equal to eight per centum of such rent or rental value; and where such annual rent or rental value exceeds one thousand dollars he shall pay an additional sum

equal to five per centum of such rent or rental value. The commissioner of the revenue shall determine such rent or rental value and may require the proprietor or tenant to state on oath what is the actual rent or what would be a fair rent for the house and furniture, and if he refuses to state the same he shall pay a fine of five hundred dollars.

WHAT CONSTITUTES A BOWLING SALOON.

100. Any person who shall keep a saloon for the reception of company to play at bowls shall be deemed to keep a bowling saloon. Any person who shall keep a bowling saloon without a license shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each day he may keep the same.

LICENSE TO KEEP A BOWLING SALOON.

101. Every person who shall keep a bowling saloon shall pay for the privilege the sum of twenty-five dollars, and an additional sum of ten dollars for each alley exceeding one. If the license be for a bowling saloon at a watering place, and if for four months or less, the sum to be paid shall be twelve dollars and fifty cents, and an additional sum of five dollars for each alley exceeding one.

WHAT CONSTITUTES A BILLIARD SALOON.

102. Any person who shall keep a saloon wherein there is a table at which billiards or pool are played shall be deemed to keep a billiard saloon, and if any sum is imposed upon the tables kept therein the same shall be on every table in excess of one capable of being used for the purpose and kept therein, whether used or not. Any person who shall keep a billiard saloon without a license shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each day he may continue to keep the same.

LICENSE TO BILLIARD SALOONS.

103. Every person who shall keep a billiard saloon shall pay for the privilege the sum of fifty dollars, and the sum of twenty-five dollars for each table over one kept, or to be kept, therein. If the license be for a billiard saloon at a watering place, and is for four months or less, the sum to be paid shall be twenty-five dollars, and the sum of twelve dollars and fifty cents for each table over one kept, or to be kept, thereat. In towns of less than one thousand inhabitants the tax on the first table shall be twenty-five dollars.

WHAT CONSTITUTES A BAGATELLE SALOON.

104. Any person who shall keep a saloon or other public room wherein is a table at which to play at bagatelle, whether charge for the use thereof is made or not, shall be deemed to keep a bagatelle saloon. Any person who shall keep a bagatelle saloon without a license shall pay a fine of not

less than fifty dollars nor more than one hundred dollars for each day he may continue to keep the same.

LICENSE TO A BAGATELLE SALOON.

105. Every person who shall keep a bagatelle saloon shall pay for the privilege the sum of ten dollars, and an additional sum of five dollars for each table over one kept, or to be kept, therein.

106. Nothing herein shall be construed to exempt the furniture in houses mentioned in this schedule from being taxed as property.

THEATRES, PUBLIC PERFORMANCES, EXHIBITIONS, ETC.

107. No person shall, without a license authorized by law, exhibit for compensation any theatrical performance, or any performance similar thereto, panorama, or any public performance or exhibition of any kind, lectures, literary readings and performances, except for benevolent or charitable or educational purposes. Whenever a theatrical performance shall be licensed the actors acting thereat under said license shall be exempt from a license tax, but unless the performance shall be so licensed each person engaged therein shall be liable to the penalty for the violation of this section. Every license shall be for each performance; but a license for a theatrical performance or panorama may, if the person applying for the same desire it, be for the term of one week. For any violation of this section every person so offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

LICENSE TO THEATRES, PUBLIC PERFORMANCES, EXHIBITIONS, ETC.

108. On every theatrical performance, or any performance similar thereto, panorama, or any public performance or exhibition of any kind, except for benevolent or charitable or educational purposes, there shall be paid three dollars for each performance, or ten dollars for each week of such performance: provided, that in towns of less than four thousand inhabitants there shall be paid one dollar and fifty cents for each performance, or five dollars for each week of such performance, but nothing herein shall be construed as taxing games of foot-ball or base-ball.

SHOWS, CIRCUSES, AND MENAGERIES.

109. No person shall, without a license authorized by law, exhibit any show, circus, performance, or any menagerie, or such like exhibition or performance; but this section shall not be construed to prohibit a resident mechanic or artist from exhibiting any production of his own art or invention without compensation. Whenever such show, exhibition, or performance, circus, or menagerie, shall be licensed, those engaged therein and operating under the license shall be exempt from a license tax for performing or acting thereat.

110. Every show, exhibition, or performance, such as is prescribed in the next preceding section, whether under the same canvas or not, shall be

construed to require a separate license therefor, whether exhibited for compensation or not; and upon any such show, exhibition, or performance being concluded, so that an additional fee for admission be charged in lieu of a check authorizing the holder to re-enter without charge, it shall be construed to require an additional license for any further or other show, exhibition, or performance. For every violation of this section the persons so offending shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

LICENSES TO SHOWS, CIRCUSES, AND MENAGERIES.

111. Every person who shall exhibit any show, circus, or menagerie in a town of one thousand inhabitants or less, or in a county not within five miles of a city or town having over one thousand inhabitants, shall pay for each day's exhibition thereof twenty dollars. The specific amount to be paid on each performance of every show, on each performance of every circus, and on the exhibition of a menagerie, shall be fifty dollars, if in a city or town having more than one thousand and not over ten thousand inhabitants, or within five miles thereof; if in a city, or within five miles of a city of more than ten thousand inhabitants, one hundred dollars. And in addition to the specific sum aforesaid there shall be paid an amount equal to five per centum of the gross receipts derived from such show, circus, or menagerie; the said gross receipts shall be determined by the commissioner of the revenue, who shall at all times be admitted free of charge to every such performance for the purpose of ascertaining the amount of said gross receipts, and he shall also require the person to whom the license is issued to state under oath the amount of said gross receipts of every such performance, and so forth, and any person swearing falsely to such statement shall pay a fine of one thousand dollars.

HOBBY-HORSE MACHINES, MERRY-GO-ROUNDS, AND OTHER LIKE MACHINES.

112. No person shall, without a license authorized by law, exhibit and operate any machine known as a hobby-horse machine, merry-go-round, or other like machine, whether the same is propelled by hand, horse, steam, electric, or other power.

LICENSES TO HOBBY-HORSE MACHINES, MERRY-GO-ROUNDS, AND OTHER LIKE MACHINES.

113. Every person who operates a hobby-horse machine, merry-go-round, or other like machine, on which persons are charged for riding, shall pay ten dollars for each county or city in which such machine is operated. Any person operating any such machine, without first having paid the specific amount therefor, shall pay a fine of not less than twenty dollars nor more than fifty dollars for each offense.

LICENSES TO PUBLIC ROOMS.

114. Every proprietor or occupier of a public theatre, or other room or rooms fitted for public exhibitions, for the use of which a charge is made, shall pay twenty dollars for the privilege, except in a county or town of less than two thousand inhabitants: provided, that every person who shall establish, keep, or exhibit for profit a skating rink shall pay for the privilege of keeping or exhibiting such skating rink as follows:

First. When such rink is kept or exhibited in a city of more than ten thousand inhabitants, he shall pay the sum of ten dollars per quarter.

Second. When such rink is kept or exhibited in a city or town of not more than ten nor less than two thousand inhabitants, he shall pay the sum of seven dollars and fifty cents per quarter.

Third. When such rink is kept or exhibited anywhere else than in the towns and cities above mentioned, he shall pay the sum of five dollars per quarter.

PUBLIC ROOMS.

115. No person shall, without a license authorized by law, charge for the use of any house or room therein in a city or town, or in any manner receive compensation for the use of the same, while used or employed to exhibit therein any theatrical performance, lecture, concert, or any other exhibition. Whenever such charge is made, or compensation is demanded or received for the use of such house, or any public room or rooms, fitted for the purpose, a license shall be obtained; but no license shall be required of the proprietor or occupier of such house or public room or rooms in a town containing less than two thousand inhabitants. No license to use such house for such exhibitions or performance shall be construed to exempt the house from taxation as property or to allow the use of such hall as a skating rink without paying an additional license. For any violation of this section the person so offending shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

ATTORNEYS, PHYSICIANS, AND DENTISTS.

116. No person shall, without a license authorized by law, practice as attorney at law, physician, surgeon, dentist, or the art of healing bodily or mental infirmities without physic or surgery; and no person who shall hereafter apply for license to practice as a physician, or surgeon, or dentist, shall have such license granted to him unless at the time of such application he shall exhibit to the commissioner of the revenue to whom such application is made a certificate from the president of the State board of medical examiners, or from the president of the State board of dental examiners, that such person has passed a satisfactory examination before said board, or a special permit from the president of either of said boards, or shall file with him an affidavit that such applicant for a license to practice medicine or surgery commenced the practice of medicine or surgery in this State prior to the first day of January, eighteen

hundred and eighty-five, which affidavit shall be subscribed and sworn to by such applicant. Any person who shall make a false oath in such affidavit shall be deemed guilty of perjury and liable to all the prescribed penalties therefor: provided, that persons who held license to practice dentistry in this Commonwealth on the twenty-eighth day of January, eighteen hundred and ninety, and have complied with the requirements of section one thousand seven hundred and seventy-four, shall not be required to have a certificate from the president of the board of dental examiners when he applies for a license: and provided further, that nothing contained in this section shall prevent any authorized physician or surgeon, or other person, from extracting teeth for any one suffering from toothache.

AN ATTORNEY AT LAW; WHERE HE MAY PRACTICE.

117. Every attorney at law, in addition to being licensed, sworn, and admitted to prosecute or defend actions or other proceedings in the courts of this Commonwealth, on the retainer of clients, shall obtain a revenue license; and no person shall act as attorney at law or practice law in the courts of this Commonwealth without a separate revenue license. A revenue license to practice law in any county or corporation shall authorize such attorney to practice in all the courts of this State without additional license. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

LICENSES TO ATTORNEYS AT LAW.

118. Every attorney at law who has been licensed for less than five years shall pay fifteen dollars; and on attorneys who have been licensed and practiced for five years and more, twenty-five dollars: provided, that no attorney at law shall be required to pay more than fifteen dollars whose receipts are less than five hundred dollars per annum.

PHYSICIANS, SURGEONS, AND DENTISTS.

119. No person shall practice as a physician, surgeon, or dentist for compensation, without a license; but a license to practice either medicine or surgery shall confer the privilege of practicing both of said professions; and a license granted to practice in any county or corporation shall authorize such physician, surgeon, or dentist to practice throughout the Commonwealth. Any person violating any of the provisions of this section, or who shall practice in either of the professions named without having first obtained a license therefor, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offense, and shall be debarred from recovering any compensation for such services by action, suit, motion, or warrant in any of the courts of the Commonwealth. And any commissioner of the revenue who shall grant a license to practice as a physician or surgeon to any person who shall not have complied with the provisions of this section shall be deemed guilty of

a misdemeanor, and shall be subject to a fine of fifty dollars for each offense.

LICENSES OF PHYSICIANS, SURGEONS, AND DENTISTS.

120. Every physician, surgeon, or dentist who has been licensed for less than five years shall pay ten dollars; and every physician, surgeon, or dentist who has been licensed and practiced for five years and more shall pay fifteen dollars; but in cities or towns of five thousand inhabitants or more the tax on physicians, surgeons, or dentists shall be twenty-five dollars: provided, that no physician, surgeon, or dentist shall be required to pay more than ten dollars whose receipts are less than five hundred dollars per annum. Every physician, surgeon, or dentist shall be licensed by the commissioner of the revenue for the district or city wherein such physician, surgeon, or dentist has his regular and principal office.

VETERINARY SURGEONS.

120. No person shall practice as a veterinary surgeon for compensation without a license. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction pay a fine of not less than twenty-five dollars nor more than fifty dollars for each offense. Every veterinary surgeon shall pay a license tax of ten dollars: provided, that nothing in this act shall be construed as requiring a license tax of persons who confine their practice to castration, spaying, or dehorning of live stock.

VENDERS OF MEDICINES, SALVES, LINIMENTS, ETC.

121. No person shall sell any medicine, salve, liniment, or compound of a like kind, unless he be a licensed merchant, whether he be the manufacturer thereof or not, without a license. Any person selling any medicine, salve, liniment or any compound of a like kind without having first obtained a license for such privilege, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offense.

LICENSE TO VENDERS OF MEDICINES, SALVES, LINIMENTS, ETC.

122. Every person who shall sell any medicine, salve, liniment, or compound of the like kind, except a licensed merchant, at his regular place of business, shall pay twenty-five dollars.

DAGUERREAN AND PHOTOGRAPH ARTISTS AND THEIR AGENTS.

123. Any person who engages in fixing images of objects according to the invention of the daguerrotype or photograph, by whatever name it may be called or known, shall be deemed to be a daguerrotype artist; and every person who shall canvass for any daguerrean artist or photographer, or shall act as the agent for such artist or photographer in transmitting

pictures, daguerrotypes, or photographs to other points for the purpose of there having them copied or enlarged or colored, shall be deemed a daguerrean artist's agent or canvasser; and he shall be deemed a daguerrean or photograph canvasser, whether he acts for himself or for another. And every such artist or agent engaged in the business aforesaid, or as a canvasser thereof, shall obtain a license, and it shall be unlawful so to engage without a license. For every violation of this section the person offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

LICENSES TO DAGUERREAN AND PHOTOGRAPH ARTISTS AND AGENTS.

124. Every person who shall engage in the business of a daguerrean or photograph artist, or who shall act as a daguerrean or photograph artist's agent or canvasser, shall pay for the privilege the sum of ten dollars in a county or in a town of two thousand inhabitants or under; and if in a city or town of more than two thousand and less than ten thousand inhabitants, he shall pay thirty dollars; and if in a city of more than ten thousand and less than twenty thousand inhabitants, he shall pay forty dollars; and if in a city of more than twenty thousand inhabitants, he shall pay fifty dollars; and he shall pay an additional sum of five dollars for each county or city in which he operates other than that in which he has his regular place of business.

STALLIONS AND JACKASSES.

125. No person shall, without a license authorized by law, let to mares, other than his own, for compensation, any stallion or jackass. Every license to the owner of a stallion or jackass shall specify the name of such stallion or jackass, if any name has been given. A license to the owner of any such stallion or jackass, for any county or corporation, shall be good for twelve months from its date, and shall authorize the stallion or jackass to stand in any county or city without an additional license. Any person violating the provisions of this section shall pay a fine of not less than thirty dollars nor more than fifty dollars for each offense.

LICENSES TO OWNERS OF STALLIONS AND JACKASSES.

126. For letting to mares any stallion or jackass there shall be paid ten dollars.

LICENSE ON BULLS.

127. Any person owning a bull or bulls in this State may apply to the commissioner of the revenue of the district or city in which he resides, for a special license for the privilege of letting such bull or bulls to cows other than his own, which tax shall be for the sum of two and one-half dollars on each bull so licensed.

Any person so obtaining said license shall have a lien on the get of

such bull so licensed for the period of six months from the date of the birth of such get for the price agreed upon between him and the owner of any such cow or cows served by such bull: provided, however, that this lien shall not hold good as against an innocent purchaser for value and without notice, except where said lien has been admitted to record, which may be done in the following form: the owner of the bull giving his name, the name of the owner of calf, claims a lien on a calf less than six months old for ——— dollars for the get thereof. On receipt of a fee of twenty-five cents it shall be the duty of the clerk of the county in which the calf is calfed to place the same on record as other liens of similar nature.

AGENTS FOR RENTING HOUSES.

128. Any person engaged in renting houses, farms, or other real estate for compensation or profit shall be deemed to be an agent for renting houses, and when licensed as such may engage not only in renting houses, but in renting any real estate: provided, that administrators, guardians, executors, and other fiduciaries shall be exempt from the license herein required. Any person engaged as an agent for renting houses as aforesaid without a license shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

LICENSES TO AGENTS FOR RENTING HOUSES.

129. Every person who shall act as agent for the renting of houses in cities of over five thousand inhabitants shall pay the sum of thirty dollars, and in towns of less than five thousand inhabitants, or in any one county, ten dollars for the privilege of transacting such business.

LABOR AGENTS.

130. Any person who hires or contracts with laborers, male or female, to be employed by persons other than himself, shall be deemed to be a labor agent; and no person shall engage in such business without having first obtained a license therefor. Every person who shall without a license conduct business as a labor agent shall pay a fine of not less than one hundred dollars nor more than five hundred dollars.

LICENSES TO LABOR AGENTS.

131. Every person who engages in the business of a labor agent shall pay twenty-five dollars for the purpose of transacting said business; but before any such license shall be issued, the applicant shall produce a certificate from the corporation court of the city, or the circuit court of the county in which such labor agent proposes to have his office, or of the county in which he proposes to do business, that to the personal knowledge of the judge of such court, or from the information of credible witnesses under oath before such court, the court is satisfied that the applicant is a person of good character and honest demeanor.

PERSONS OPERATING LAUNDRIES.

132. Every person who operates a laundry shall pay for the privilege of conducting such business; if it be a laundry operated other than by hand, in a city, the sum of twenty-five dollars, and in counties and towns, the sum of five dollars; and if it be a hand laundry, the sum of ten dollars in cities and two dollars and fifty cents in counties and towns. Any person who shall without a license conduct such business shall be subject to a fine of not less than ten nor more than fifty dollars. But nothing in this act shall be construed to impose a license tax upon persons who wash bed-clothing, wearing apparel, and so forth, without laundry machinery, and who do not keep shops or other regular places of business for laundry purposes.

STORAGE AND IMPOUNDING.

133. No person shall, without a license authorized by law, keep for compensation any house, yard, or lot for storage or impounding any produce, goods, wares, or merchandise, including wood, coal, lumber, guano, marl, or any other commodities, or any live stock, or make, demand or receive in any manner compensation for storage or impounding. Any person who shall demand or receive compensation for storage or impounding as aforesaid, or who shall in any manner violate the provisions of this section, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense.

LICENSES FOR STORAGE AND IMPOUNDING.

134. Every person who shall keep for compensation any house, yard, or lot for storage, or a wagon-yard or other impounding, shall pay a sum for said privilege, to be graduated as follows: On every house, the sum of twenty-five dollars, except that in a city or town whose population exceeds five thousand the amount to be paid shall be fifty dollars; and on every yard, wagon-yard, or lot, ten dollars: provided, that nothing shall be charged for this privilege when the compensation to the owner is less than fifty dollars per annum.

LIVERY STABLES.

135. Any person who keeps a stable or stalls in which horses are kept at livery or fed, or at which horses and vehicles are hired for compensation by the proprietor, shall be deemed to keep a livery stable; and no person shall, without a license authorized by law, keep a livery stable; but this section shall not be construed to prevent the keeper of a licensed ordinary or house of private entertainment from feeding the horses of travelers or guests stopping at such ordinary or house of private entertainment. Any person violating the provisions of this section shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offense.

LICENSES TO LIVERY STABLE KEEPERS.

136. Every person who shall keep a livery stable in the country, and in towns of less than two thousand inhabitants, shall pay the sum of fifteen dollars, and an additional sum of fifty cents for each additional stall in excess of twenty-five, and in towns of two thousand inhabitants and over he shall pay twenty-five dollars, and an additional tax of fifty cents for each stall therein. And herein shall be included as stalls such space as may be necessary for a horse to stand, and in which a horse may be kept. The license to keep a livery stable by the proprietor of public watering places and other places of summer resort, or any other person at such places, for six months or less, shall be one-half of the sums hereinbefore specified. Every person, except those hereinafter mentioned for the privilege of running a single hack, carriage, cab, or other vehicle for hire, shall pay ten dollars, and for the privilege of running a conveyance of any kind for the transfer of baggage, freight, furniture, or other articles of merchandise shall pay for each one-horse conveyance the sum of two dollars and fifty cents, and for each conveyance of two horses or more the sum of five dollars on each conveyance, except that a license tax of five dollars, and no more, shall be imposed on persons running such conveyances solely in the country and in towns of less than one thousand inhabitants. Every person who shall keep a feed stable for boarding horses for compensation shall pay for such privilege five dollars in the country and in a town of less than two thousand inhabitants, and in a town or city of two thousand or over two thousand inhabitants, ten dollars.

LICENSES TO PERSONS SELLING, OR OFFERING TO SELL, SEWING MACHINES AND ACCESSORIES.

137. First. No manufacturer or other person, whether he be licensed as a peddler, merchant, or sample merchant or not, shall canvass any county, town, or city for the purpose of selling, or offering to sell, or shall actually sell or deliver, sewing machines and accessories, unless he be licensed as provided in this section.

Second. Any manufacturer desiring the privilege of selling, or offering to sell, or of selling and delivering sewing machines manufactured by him, and accessories to sewing machines, throughout the Commonwealth, shall apply to the auditor of public accounts for a license, and it shall be the duty of the auditor of public accounts, upon the payment into the State treasury of the sum of two hundred dollars for the privilege of transacting such business, to grant such license, and such payment shall be in lieu of any additional State, county, city, or town license tax or levy.

The name of the manufacturer shall be stated in the license, and such license shall be a personal privilege to the manufacturer to whom it is granted, and shall not be transferable, but any one representative of such manufacturer can sell thereunder for the said manufacturer. Should such manufacturer desire to employ more than one representative, such manufacturer so licensed may obtain from the auditor of public accounts separate certificates for as many agents as he may desire to employ in sell-

ing and offering to sell, or selling and delivering sewing machines manufactured by him, and accessories to sewing machines, upon the payment of five dollars into the State treasury for each certificate, and such certificate shall state the name of the manufacturer, and shall entitle such agent to sell, or offer to sell, or to sell and deliver, sewing machines manufactured by such manufacturer, and accessories to sewing machines, throughout the Commonwealth, without the payment of any additional State, county, city, or town license tax or levy.

Any licensed merchant may sell, or offer to sell, or to sell and deliver at his regular place of business under his merchant's license, without the payment of any additional State, county, city, or town license tax or levy, sewing machines purchased by him from any manufacturer of such sewing machines who has taken out a license to sell sewing machines of his manufacture, and accessories to sewing machines, throughout the Commonwealth; but such merchant, if he desire to sell, or offer to sell, or to sell and deliver, at any place other than at his regular place of business, the sewing machines purchased by him from a manufacturer who has been licensed as hereinbefore provided, shall obtain a certificate from the auditor of public accounts, and shall pay into the State treasury therefor the sum of five dollars, and he shall also in like manner pay five dollars for a certificate for each person in his employment engaged in selling, or offering to sell, or in selling and delivering elsewhere than at his regular place of business, the said sewing machines and accessories to sewing machines, and such payment shall be in lieu of any additional State, county, city, or town license tax or levy.

Any person, other than a licensed merchant or manufacturer, may sell, or offer to sell, or sell and deliver, throughout the Commonwealth, sewing machines purchased by him from any manufacturer of such sewing machines, who has taken out a license to sell sewing machines of his manufacture, and accessories to sewing machines, throughout the Commonwealth: provided, he obtain a certificate from the auditor of public accounts and pay into the treasury of the State therefor the sum of five dollars, and such payment shall be in lieu of any additional State, county, city, or town license tax or levy.

Third. Any person other than those licensed under the foregoing section desiring the privilege of canvassing any county or city, for the purpose of selling, or offering to sell, sewing machines and accessories, shall apply to one of the commissioners of the revenue for such county or city for such license; and upon the granting of such license, and the payment of twenty dollars to the treasurer of such county or city, he shall have the privilege of selling, offering to sell, and of selling and delivering sewing machines and accessories of any manufacturer in such county or city. Any such person so licensed may obtain the like privilege in any other county or city upon the production to one of the commissioners of the revenue of such other county or city of his license to sell as aforesaid, and upon the payment of the sum of ten dollars to the treasurer of such other county or city. Such license shall be a personal privilege, and shall not be transferable; but no separate license shall be required to be obtained by any person licensed under this section in order to authorize such person to sell the said accessories of any manufacturer.

Fourth. There shall be no abatement from the said sum to be paid for the license to sell sewing machines or accessories, if the same be exercised for less than one year. All licenses issued under this section shall expire on the thirtieth day of April next after the date of their issue.

Fifth. Any manufacturer, person, or agent selling, or offering to sell, or taking orders for the sale of sewing machines or accessories without having obtained the license or certificate hereinbefore required, shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, one-half of every such fine to go to the informer.

Sixth. Nothing in this section shall prevent licensed auctioneers or officers of the law under legal process from selling second-hand sewing machines, nor prevent any person licensed under this section from dealing in second-hand sewing machines of any manufacture which have become second-hand by having been sold and used in this State previous to the passage of this act, or those which may become second-hand machines after having been sold under the provisions of this section.

AGENTS FOR THE SALE OF MANUFACTURED IMPLEMENTS OR MACHINES BY RETAIL OTHER THAN SEWING MACHINES.

138. Any person who shall sell, or offer for sale, manufactured implements or machines by retail, or take orders therefor on commission or otherwise, other than sewing machines, unless he be the owner thereof, or a duly licensed merchant, at his regular place of business, who shall have paid a license tax amounting to as much as fifteen dollars, shall be deemed to be an agent for the sale of manufactured articles, and shall not act as such without taking out a license therefor. No such person shall, under his license as such, sell, or offer to sell, such articles through the agency of another; but a separate license shall be required for any agent or employee who may sell, or offer to sell, such articles for another. For any violation of this section the person offending shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

LICENSE TO AGENTS FOR THE SALE OF MANUFACTURED IMPLEMENTS OR MACHINES BY RETAIL OTHER THAN SEWING MACHINES.

139. Every agent for the sale of manufactured implements or machines, other than sewing machines, shall pay for the privilege of transacting such business the sum of fifteen dollars, and this shall give to any party licensed under this section the right to sell the same within the county or city in which he shall take out his license; and if he shall sell, or offer to sell, the same in any other county or city of the State, he shall pay an additional sum of ten dollars in each county or city where he may sell, or offer to sell, the same: provided, that any person who shall pay an annual tax to the Commonwealth upon capital actually employed by him in the manufacture of the articles or machines mentioned in this section of not less than thirty dollars per annum, may, without any further sum being paid for the privilege by himself or his agents, employ agents to sell said articles or machines manufactured by him in any of the counties or

cities of the State; and the certificate of the treasurer of the county or city in which said tax shall be paid by such person on the capital so employed by him in the manufacture of such articles or machines shall be evidence of the fact of such payment.

LICENSE TAX ON PEDDLERS OF MANUFACTURED IMPLEMENTS AND MACHINES OTHER THAN SEWING MACHINES, AND ON PEDDLERS OF COOKING STOVES AND RANGES AND CLOCKS.

140. Every person engaged in peddling manufactured implements or machines, other than sewing machines, shall pay for the privilege of transacting such business the sum of two hundred dollars; and this shall give to such peddlers the right to sell the same within the county or city in which he shall take out his license, and if he shall sell, or offer to sell, the same in any other county or city of this State, he shall pay an additional sum of one hundred dollars in each county or city where he may sell, or offer to sell, the same.

Every peddler of cooking stoves or ranges, and every peddler of clocks, shall pay for the privilege of engaging in such business the sum of five hundred dollars, and this shall give to such peddler the right to sell the same within the county or city in which he shall take out his license; and if he shall sell, or offer to sell, in any other county or city of the State, he shall pay an additional sum of three hundred dollars in each county or city where he may sell, or offer to sell, the same: provided, that any person selling clocks, stoves, and ranges under a merchant's license and delivering the same shall be deemed a peddler under the provisions of this act and subject to the requirements and penalties hereinbefore imposed.

LICENSE ON SLOT MACHINES.

141. Any person, firm, or corporation having on a street, alley, or other place in the city, or on any public road in any county, or in shops, stores, hotels, boarding-houses, depots, public or private rooms, or any other place anywhere in the State of Virginia, a slot machine of any description, into which are dropped pennies or nickels or coins of other denominations to dispose of chewing gum or other articles of merchandise, except cigarettes or intoxicating liquors, or for the purpose of operating musical, weighing, or other devices that operate on the nickel-in-the-slot principle used for gain, except as a pay telephone, shall pay for every such slot machine or musical, weighing, or other devices, as the case may be, a license tax of ten dollars per year for the use and benefit of the State, except such vending machines as are used solely for the sale of agricultural products or cigars, on which shall be levied a license tax of three dollars per year for each machine: provided, however, that nothing in this section contained shall be construed as permitting any such person, firm, or corporation to keep, maintain, exhibit, or operate any slot machine or other device in the operation of which the element of chance enters, and it shall not be lawful for any commissioner of the revenue or other officer to issue a license under this section to any such person, firm, or corporation for the keeping, maintaining, exhibiting, or operating of

any such slot machine or other device in the operation of which the element of chance enters, the intent of this section being to license only those machines or devices in the operation of which the element of chance does not enter.

Any person, firm, or corporation having any such machine, and failing to procure a license therefor, shall be subjected to a fine of not less than twenty dollars nor more than fifty dollars for each offense, and such machines shall become forfeited to the Commonwealth.

LICENSE ON DEALERS IN PISTOLS, DIRKS, OR BOWIE KNIVES.

142. No person, firm, or corporation shall sell pistols, dirks, or bowie knives without having first procured a license therefor.

Every person, firm, or corporation engaged in the business of selling pistols, dirks, or bowie knives, or who may hereafter engage in said business, shall pay for the privilege of transacting said business a special license tax in the sum of twenty dollars per annum, and no such license shall be issued for any period less than one year, nor shall there be any abatement in any instance of the tax upon such license by reason of the fact that the person or persons so licensed shall have exercised such licensed calling for a period of less than one year. Any person selling pistols, dirks, or bowie knives contrary to the provisions hereof, or who shall in any manner violate the same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense.

LIQUOR LICENSE.

143. No person, corporation, company, firm, partnership, or association shall, within the limits of this State, engage in the business of rectifying or of manufacturing or distilling malt or alcoholic liquors, other than wine, or sell, or offer to sell, by sample or representation or otherwise, wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drunk at the place where sold, or in any way, without first having obtained license therefor; nor shall the license confer the privilege of selling in any way, except in the manner hereinafter provided. And all mixtures, preparations, and liquids (except cider) which will produce intoxication shall be deemed ardent spirits within the meaning of this section. A license to sell by wholesale shall only include the privilege to sell in quantities of five gallons or more, except that wholesale dealers in malt liquors may have the privilege of selling by bottles and jugs in quantities of not less than one dozen to licensed retail dealers only. A license to sell by retail shall include only the privilege of selling in quantities not exceeding five gallons at any time to any individual, which shall include both the privilege of selling to be delivered to the purchaser in bottles, jugs, demijohns, or other vessels, and the privilege of being drunk at the places where sold. A license to keep an ordinary or hotel shall confer all the rights and privileges of a retail liquor dealer. Under a license to keep a malt liquor saloon, malt

liquors, or any mixture thereof, may be sold to be drunk where sold, but shall not be taken away from the place of sale. Any person desiring to carry on the business of a wholesale liquor dealer, and also that of a retail liquor merchant, shall obtain a separate license for each and comply with all the provisions of this section in relation to both privileges. A violation of the provisions of this section shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty dollars, and, in the discretion of the court, by imprisonment not exceeding twelve months: provided, that nothing in this section shall prevent wholesale confectioners from selling fruits preserved in ardent spirits, nor breweries from selling beer direct to consumers at their homes.

Licenses required by this section shall be obtained from the county, circuit, or corporation court of the county or city in which the business is to be conducted, except that the license to sell wine, ardent spirits, malt liquor, or any mixture thereof, by retail, upon any steamboat, canal boat, ship, barge, or other vessel at any wharf or landing, or upon any river, creek, sound, or any of the other waters of this Commonwealth (other than vessels regularly engaged in plying the waters of the Atlantic ocean), shall be obtained on the certificate of the county, circuit, corporation, or hustings court of some county or city within the limits and jurisdiction of which such steamboat, canal boat, ship, barge, or other vessel usually plies or is usually stationed, and the license to a sample liquor merchant shall be obtained on the certificate of circuit, corporation, or hustings court of some city of the State, but when so obtained the license shall carry the privilege of selling anywhere in the State. The clerk of the court granting the certificate to certify to the genuineness of the license under the seal of the court. Any person, firm, company, corporation, partnership, or association desiring to obtain a license such as is required in any of the cases specified in this section shall make a written application therefor to a commissioner of the revenue of the county or city from the circuit, county, or corporation or hustings court of which a certificate is required. Such application shall state the name of the applicant, the residence of the applicant, the nature of the business for which the license is desired, the place where it is proposed to be prosecuted, and the amount required by law to be paid for the privilege of such license. Upon such application shall be endorsed the certificate of the treasurer of such county or city that the amount so required has been deposited with him by the applicant in gold or silver coin, United States treasury notes, or national bank notes.

When such application has been endorsed by the commissioner of the revenue, "Referred to the corporation court of the city of ———," as the case may be, or when in towns of over five hundred inhabitants, based on the last United States census, in which police protection is afforded, or when application is made by any person, partnership, or corporation owning or operating a hotel at a health resort having a natural mineral spring or situated by the sea or any large body of salt water connected therewith, or when such application is made for license to be exercised in any community in a county contiguous to a city, though such community be not incorporated, having on the fifteenth day of March, nineteen hundred and three, police protection paid for by the public, and

wherein the court upon evidence is satisfied that there is within a radius of one-half of a mile of the place where such business is proposed to be conducted five hundred or more inhabitants, and wherein licenses for the sale of liquor have been granted during the twelve months next prior to the passage of this act: provided, that no part of any city or incorporated town or of any other county shall be included within such radius; or when any application for a license is made by any manufacturer or distiller of alcoholic liquors, such application has been endorsed by the commissioner of the revenue, "Referred to the county court of ——— county," until February first, nineteen hundred and four, and after that time it has been endorsed, "Referred to the circuit court of ——— county," as the case may be, the applicant shall present the application so endorsed to the corporation, county, or circuit court whose certificate is required, and said court shall thereupon hear such evidence as may be introduced for or against the application and hear and determine the question of granting the same. It shall be lawful for any persons who may consider that he would be aggrieved by granting such license to have himself entered and made a party defendant to said application and to defend and contest the same. If the court be fully satisfied, upon the hearing of the testimony for and against the application, that the applicant is a fit person to conduct such business, and that he will keep an orderly house, and that the place at which it is to be conducted is a suitable, convenient, and appropriate place for conducting such a business, the court may, upon the execution by the applicant of bond in the penalty of not less than two hundred and fifty nor more than five hundred dollars, with good security, conditioned for faithful compliance with all the requirements of this section, grant such license; and thereupon the commissioner of the revenue shall issue the same in such form as may be prescribed by the auditor of public accounts. In case an application is refused by the court, the applicant shall have refunded to him by the treasurer or other collecting officer the amount of money deposited by him. In all cases except those in this section before provided for, when such application has been endorsed by the commissioner of the revenue, "Referred to the county court of ——— county," until February first, nineteen hundred and four, and after that time it has been endorsed, "Referred to the circuit court of ——— county," the applicant shall present the application so endorsed to the court whose certificate is required, and said court shall thereupon hear such evidence as may be introduced for or against the application, and hear and determine the question of granting the same: provided, however, that in all cases other than those herein above excepted, before any application for a license to sell by retail or to keep a malt liquor saloon or an ordinary, shall be presented to any county court before the first of February, nineteen hundred and four, or to the circuit court after that time, the applicant shall, in addition to complying with all the other requirements of this section, first advertise his intention of making such application by posting a written notice of such intention at the front door of the courthouse of the county in which the business is proposed to be conducted, and also at the place where it is proposed to conduct the said business, for thirty days next preceding the day on which such application shall be presented

to the said county court before the first of February, nineteen hundred and four, or to the circuit court after that time, and no court shall consider any such application until it shall have been first proved to its satisfaction that the notice required by this section has been so posted. It shall be lawful for any person who may consider that he would be aggrieved by the granting of such license to have himself entered and made a party defendant to said application and to defend and contest the same. If the court be fully satisfied upon the hearing of the testimony for and against the application that the applicant is a fit person to conduct such business, and that he will personally superintend the same, and will keep an orderly house, and that the place at which it is to be conducted is a suitable, convenient, and appropriate place for conducting such a business, and one at which police protection is afforded, and if it shall further plainly appear to the satisfaction of the court that a majority of the qualified voters of the district or town in which the privilege is sought to be exercised are in favor of the application, that the sale of ardent spirits at that place will not be contrary to a sound public policy or injurious to the morals or the material interest of the community, the court may, upon the execution by the applicant of bond in the penalty of not less than two hundred and fifty dollars nor more than five hundred dollars, with security conditioned for the faithful compliance with all the requirements of this section, grant such license; and thereupon the commissioner of revenue shall issue the same in such form as may be prescribed by the auditor of public accounts. But if the court shall not be fully satisfied that all of the requirements of this section have been complied with, it shall refuse to grant the license. Either party to such application shall, until the first of February, nineteen hundred and four, have the right to appeal from the order or judgment of the county court granting or refusing such application during the term at which the application is heard to the circuit court of said county. The judge of such circuit court shall take cognizance of such appeal, and may hear the same, either in term time or in vacation. And if he shall be clearly of opinion that all the requirements of this section have been fully complied with, may grant the license upon the terms herein prescribed; but if such requirements have not been fully complied with, he shall refuse the same, and the decision of such circuit court, or of the judge thereof in vacation, shall be final, and no appeal, writ of error, or supersedeas shall lie thereto. And after February first, nineteen hundred and four, there shall be no appeal from the order of the circuit court on such application. The party of any such proceeding who shall substantially prevail shall, in cases where such applications are contested, be entitled to recover their costs from the opposite parties as in other civil cases. All bonds taken under this act shall contain the waiver of the homestead exemption of the obligors therein. In case an application be finally refused by the court, the applicant shall have refunded to him by the treasurer or other collecting officer the amount of money deposited by him: provided, however, that in any district in which a vote on the proposition of license or no license has been taken and decided affirmatively within the twelve months prior to the application, the court shall presume that the qualified voters are in favor of license: provided, however, that this section shall not be construed as repealing any special act

prohibiting the sale or manufacture of ardent spirits in any county, district, or town; nor shall it be construed as allowing licenses to be granted in counties, districts, or towns during such periods as, under the operation of the local-option statutes, the result of elections held thereunder is against the granting of licenses to sell liquor: and provided, further, that any person, firm, or corporation who has heretofore been licensed as a retail liquor dealer, and having on hand a stock of liquor purchased before the passage of this act, who is by the operation of this act prevented from obtaining a renewal of such license, shall have for the period of thirty days after the passage of this act the privilege of disposing of the said stock of liquor at wholesale without being required to take out additional license.

The amount to be paid for a license for the privilege of selling by wholesale wine, ardent spirits, malt liquors, or any mixture of any of them, shall be three hundred and fifty dollars: provided, however, that if any wholesale dealer shall desire the privilege of selling malt liquors only, the specific amount to be paid by him for the privilege shall be one hundred and fifty dollars.

The specific sum to be paid for the privilege of selling by retail wine, ardent spirits, malt liquors, or any mixture of any of them, in the country or in towns or villages of one thousand inhabitants or less, or upon any vessel, shall be one hundred and seventy-five dollars, or in cities or towns or villages exceeding one thousand inhabitants, three hundred and fifty dollars.

The specific sum to be paid for the privilege of keeping an ordinary shall be as follows: In the country or in towns having a population of two thousand or less, one hundred and seventy-five dollars; and in towns or cities having a population of two thousand or more, three hundred and fifty dollars; and in either case there shall be paid an additional sum equal to eight per centum of the annual rent or rental value of the house and furniture used for the purpose of said ordinary up to one thousand dollars of such annual rent or value; and on the annual rent or rental value in excess of one thousand and under two thousand dollars, five per centum of such rental value, and three per centum of such value from two thousand dollars and upwards. Such annual rent and rental value shall be determined by the actual rent of the house and furniture, and may exceed such rent, and if it is not rental property the commissioner shall determine the amount to be paid by what the probable rent would be. The commissioner may require the proprietor or tenant to state on oath what is the amount of such rent, or what would be a fair rent therefor. If the said proprietor or tenant refuse to state the same when so required he shall pay a fine of five hundred dollars.

Any person who shall for compensation furnish diet for travelers, sojourners, or boarders in his house, or provender for a horse feeding in his stable or on his land (except a drove of live stock and persons attending it), and sell by retail wine, spirituous, or malt liquors, or any mixtures of them, shall be deemed to keep an ordinary, and shall constantly provide the same with diet for travelers, and, unless it be dispensed with by the court, with stabling and provender or pasturage and provender for their horses.

Any person who shall keep an ordinary or hotel without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same, but where the ordinary or hotel shall be kept open for but part of the year the tax shall be apportioned according to the time it is kept open.

Any person who shall for compensation furnish lodging, diet, and entertainment for travelers, sojourners, guests, or boarders in his house, and sell by retail wine, spirituous, or malt liquors, or any mixtures of them, shall be deemed to keep a hotel, and shall constantly provide the same for lodgings, diet, and entertainment for travelers and guests. The amount to be paid for the privilege of keeping a hotel is to be determined as follows:

The specific sum which shall be paid for the privilege of keeping a hotel, which privilege shall include the privilege of selling wine, ardent spirits, and malt liquors in such hotels, to be drunk where sold, and shall include the privilege of selling the same, or any mixture of any of them, by retail, not to be drunk where sold, shall be as follows:

In the country or towns having a population of one thousand or less, there shall be paid the sum of one hundred and seventy-five dollars, and in towns or cities having a population of more than one thousand there shall be paid three hundred and fifty dollars for this privilege; and in either case there shall be paid for this privilege an additional sum of one dollar per room for every room available in said hotel for the lodging and accommodation of travelers, sojourners, boarders, and guests who may patronize said hotel: provided, however, that the State licenses to the keepers of ordinaries or hotels, or to retail liquor dealers, located or whose places of business are situated within one-half a mile of the corporate limits of any city or town, who may be entitled to license under the provisions of this section, shall be the same as is imposed upon such keepers or dealers within the corporate limits of such city or town.

Any person who shall keep a hotel without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same; but when the hotel shall be kept open for but part of the year the tax shall be apportioned according to the time it is kept open.

The bond taken of a licensed dealer under this section shall be deemed forfeited by his failure to pay any part of the amount required of him by this section, and any portion as to which there is such failure of payment may be recovered of him and his sureties, by motion or suit in any court having jurisdiction, and may moreover be collected by the treasurer in the manner that taxes are collected, and in the discretion of the court his license forfeited.

The amount required by this section to be paid for the licenses herein specified shall not be in lieu of any taxes on personal property actually employed in any of the branches of business specified in this section.

The specific amount which each rectifier shall pay for the privilege of carrying on his business shall be one hundred and fifty dollars, except that a manufacturer of ardent spirits may rectify spirits of his own manufacture without paying any additional sum for such privilege. Each rectifier who shall desire to sell, by wholesale or retail, spirits so rectified

by him, shall pay for such privilege the same amount required to be paid by other wholesale and retail dealers in ardent spirits.

Any druggist who desires to sell wine, ardent spirits, or malt liquors, or any mixture thereof, or alcoholic bitters, shall take out a retail liquor dealer's license, and shall, in all respects, be deemed a retail liquor dealer, and be subject to the requirements of this section: provided, the provisions of this section shall not apply to liquor used by any druggist in the preparation of medicine. No alcoholic bitters, whether the same may have been manufactured in this State or elsewhere, shall be sold in this State by any person who has not obtained a license under this section to sell wine, ardent spirits, malt liquors, or any mixture thereof. Any person violating this provision shall be liable in all respects to the same penalties which are imposed by this section for selling wine, ardent spirits, malt liquors, or any mixture thereof, without a license therefor.

Every manufacturer or distiller of alcoholic liquors shall pay for said privilege, at the time his license is granted, a specific sum therefor, to be graduated and classified as follows: The manufacturer who shall mash and distill ten bushels or less per day, thirty dollars; ten bushels and less than twenty per day, fifty dollars; twenty bushels and less than thirty per day, seventy-five dollars; thirty bushels and less than forty-five per day, one hundred and twenty-five dollars; forty-five bushels and less than seventy-five per day, two hundred dollars; seventy-five bushels and less than one hundred per day, two hundred and fifty dollars; one hundred bushels and less than one hundred and fifty per day, three hundred dollars; one hundred and fifty bushels and less than two hundred per day, four hundred dollars; two hundred bushels and less than two hundred and fifty per day, four hundred and fifty dollars; two hundred and fifty bushels and less than three hundred per day, five hundred dollars; and on each one hundred bushels per day in excess of three hundred at the rate of two hundred dollars for each one hundred bushels so mashed per day. The above specific sums shall be paid before commencing his operations, and on the payment of such specific sum the manufacturer shall have the privilege of selling the liquors actually manufactured by him in quantities of not less than two gallons at the house where the same is manufactured: provided, further, that all liquors bought shall be taken away at the time bought from the place where sold. The manufacturer of alcoholic liquors by direct fermentation and distillation from pomace or from cider or fruits, where the distillery is run less than three months, shall pay a specific sum of five dollars, but if the distillery is run more than three months and less than six the specific amount to be paid for the privilege shall be twenty dollars, and if run six months or more there shall be paid for the privilege fifty dollars. It shall be the duty of every licensed distiller who manufactures brandy from fruit to furnish the commissioner of revenue a copy of the returns made by him to the internal revenue assessor of the United States, and the commissioner of the revenue shall require said licensed distiller to make affidavit to the correctness of such return. On payment of the above sum the distiller of brandy shall have similar privileges in regard to the sale of brandy manufactured by him to those granted to distillers of whiskey. For the privilege of manufacturing malt liquors there shall be paid fifty dollars,

and upon the payment of such specific sum the manufacturer shall have the privilege of selling the products of his brewing in quantities in excess of five gallons at any place within the State of Virginia; and the said manufacturer shall have the additional privilege of selling the products of his brewing in quantities not less than one gallon at the place of manufacture: provided, that any resident manufacturer of wine may have the privilege of selling wine of his own manufacture in quantities not less than one gallon without paying the license tax provided by this section.

The auditor of public accounts shall prescribe a form for licenses required by this section, which forms shall have printed on them in plain letters, at least one inch in length, in words and figures, the year when issued, the month when the license begins and expires, and also the class of license.

Every person obtaining any such license shall post the same in a conspicuous place in his office, if a wholesale liquor dealer; and if a retail liquor dealer or malt liquor saloon-keeper, shall post the same in the most conspicuous place about his bar or place of retailing, and shall expose the same to common observation; and any person failing to keep such license so conspicuously posted shall, on conviction, be fined not exceeding one hundred dollars.

It shall be the duty of the judges of the circuit, county, or corporation courts to give this section, and particularly the provisions thereof in reference to the sale of ardent spirits, wine, malt liquors, or any mixture thereof, in charge to the grand jury at every regular grand jury term of their respective courts, and to send before the grand jury the constables and the commissioner of the revenue, with the view of ascertaining whether any person in their counties, districts, or cities is engaged in the sale of liquors without a license as prescribed in this section.

No person shall sell wine, ardent spirits, or malt liquors, or any mixture thereof, by retail upon any steamboat, canal boat, ship, barge, or other vessel at any wharf or landing, or upon any river, creek, sound, or any of the other waters of this Commonwealth without first having obtained a license therefor in accordance with this section: provided, that the amount required to be paid for such privilege to be exercised upon any such vessel shall be the lowest specific sum required in each case by the provisions of this section to be paid for such privilege: and provided, further, that the provisions of this section shall not apply to any steamship or steamboat which is regularly engaged in plying the waters of the Atlantic ocean.

This section shall not be construed to repeal or in any wise change the provisions of the charter of any town or city in the State touching the granting of licenses.

Any person violating any of the provisions of or failing to comply with any of the requirements of this section shall, unless otherwise provided herein, be deemed guilty of a misdemeanor, and be fined not less than fifty dollars nor more than one hundred dollars for each offense, and in addition he may, in the discretion of the jury, be imprisoned not more than sixty days.

Any person who shall sell, or offer to sell, wine, ardent spirits, malt liquors, cider, or any mixtures of any of them, by sample or other repre-

sentation, or any agent for the sale or collection of orders for wine, ardent spirits, malt liquors, cider, or any mixture of any of them, by sample or description, shall be deemed to be a sample liquor merchant. A sample liquor merchant's license shall be a personal privilege, and shall not be transferable, nor shall any abatement of the sum required to be paid be allowed. Any person, firm, or corporation who shall sell, or offer to sell, in violation of this section, shall pay a fine of five hundred dollars for the first offense and six hundred dollars for each succeeding offense, the informer to receive one-half of the fine so collected. No person, firm, or corporation licensed as a sample liquor merchant under this section shall be authorized to sell, except to some club, person, firm, or corporation licensed under this and the succeeding section.

The amount to be paid for the privilege of doing business as a sample liquor merchant shall be three hundred and fifty dollars, and no person, firm, or corporation shall permit any person except a duly authorized agent or salesman to sell under their license otherwise than for their exclusive use and benefit. No agent or salesman shall be permitted to sell, or offer to sell, as aforesaid, except he have with him at the time the license granted to the person, firm, or corporation for whom he acts, which license shall state the name of the person, firm, or corporation to whom the license was granted and the name of the agent or salesman using the same, and also a duly executed power of attorney constituting him such agent or salesman, which license and power of attorney shall be exhibited whenever required by any officer of the law or private citizen. For every agent or salesman employed to sell as aforesaid there shall be paid three hundred and fifty dollars. Sales of wine, ardent spirits, malt liquors, cider, or any mixture of any of them, by sample, shall be limited to sales by wholesale. Nothing in this section shall be construed to require any licensed wholesale liquor dealer who has paid his license as such (an amount of not less than three hundred and fifty dollars) to pay an additional amount for selling, or offering to sell, by sample either by himself or agents: provided, that every such agent shall first apply to the court of some city for the certificate hereinbefore required. No person, firm, or corporation shall hire their license or allow the use of the same to any other person, firm, or corporation; and any person, firm, or corporation who shall so hire or allow the use of such license to any other person, firm, or corporation shall forfeit such license; and the person, firm, or corporation using such license shall pay a fine of three hundred and fifty dollars for each offense: provided, that any person licensed as a manufacturer under this section may sell by sample, either in person or through his agents, provided the sales be by wholesale.

Nothing in this section shall be construed as licensing any person, firm, or corporation to sell wood alcohol, or any mixture thereof, as a beverage, and the sale of such wood alcohol, or mixture thereof, as a beverage is hereby prohibited.

Any person who sells alcoholic beverages of any description on Sunday shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned not less than fifteen days nor more

than sixty days in jail, and the license at the place where the alcoholic beverages were sold on Sunday shall be revoked.

Any person who shall sell alcoholic beverages to a person under twenty-one years of age shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one hundred dollars, and the license at the place where the alcoholic beverages were so sold shall be revoked.

SOCIAL CLUBS.

144. Any corporation chartered and organized as a social club which shall desire to keep on hand at their club house, or other place of meeting, wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, to be sold directly or indirectly, or given away to the members of such corporation, shall, on or before the thirtieth day of April in each year pay to the treasurer of the county or corporation wherein the club house or other place of meeting of such corporation is located two dollars for each and every person a member of said corporation, which shall be in lieu of all other taxes upon such corporation for sale, directly or indirectly, or the gift to its members of any wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits: provided, that the said tax to be paid by any one club shall not exceed the sum of three hundred and fifty dollars.

Any such said corporation shall not sell, directly or indirectly, any wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, to any person, or persons, resident of the county or corporation in which the club house, or other place of meeting, of such corporation is located unless such person, or persons, be a member of said corporation.

The club house, or other place of meeting, of any corporation chartered and organized for a social club, which shall desire to keep on hand wines, ardent spirits, alcoholic bitters, bitters containing alcohol, or fruit preserved in ardent spirits, to be sold, directly or indirectly, or given away to any member, shall not be located in the same building in which there is a duly licensed public bar.

The club house, or other meeting place, of any such said corporation shall be kept open, with its usual and proper attendants and servants, at least twelve hours per day each and every day: provided, that any such corporation which has its club house, or other meeting place, at the seaside, or is used as a fishing or hunting club, shall be kept open only in and during the proper season.

Such said corporation, through its secretary and president, shall furnish, once a month, under oath, to the clerk of the county or corporation court in which its club house, or other place of meeting, is located, a list of its members; and shall furnish, under oath, once a year, immediately after its annual meeting, to said clerk of the county or corporation court, a list of the officers for the ensuing year, which list shall at all times be open to public inspection.

Every such said corporation shall charge, and collect, an entrance fee

of not less than ten dollars, and dues of not less than one dollar per month.

The wilful or negligent failure on the part of any such said corporation to comply with any of the above provisions shall work a forfeiture of its charter.

GENERAL PROVISIONS.

145. When any incorporated company, firm, or person is engaged in more than one business, which is made by the provisions of this act subject to taxation, such incorporated company, firm, or person shall pay the tax provided by law on each branch of its or her business.

146. Any corporation, except as otherwise expressly provided in this act, feeling aggrieved by the assessment made by the State Corporation Commission of its property or franchise, under the provisions of this act may have such right of appeal as may be provided by law.

Every such company, corporation, firm, or person which shall fail to make the reports required in the preceding sections within the time prescribed shall, unless a different penalty is hereinbefore prescribed for such failure, be liable to a fine of not less than five hundred dollars nor more than two thousand five hundred dollars. The said fine to be imposed and judgment entered therefor by the State Corporation Commission after thirty days' notice to any such defaulting corporation to appear before the said commission and to show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals of Virginia.

It shall be the duty of the State Corporation Commission to prepare and furnish to the several corporations required to make reports under this act forms for such reports, which said corporations shall use in making the reports required of them.

Any such company, corporation, firm, or person required by this act to pay its or his taxes directly into the State treasury, failing to pay said taxes into the treasury within the time herein prescribed, shall incur a penalty thereon of five per centum, which shall be added to the amount of said taxes.

The auditor of public accounts shall deliver a bill for said taxes and penalty to the treasurer of any county or city in which the company, corporation, firm, or person may have any property belonging to it or him, and said bill shall have the force and effect of an execution.

The treasurer may distrain and sell any personal property of such company, corporation, firm, or person, and shall pay the amount of the taxes and penalty into the treasury within ten days after he has collected the same. The auditor of public accounts shall require the treasurer to whom such bill is delivered to execute a bond in such penalty as he deems sufficient and with security to be approved by him, conditioned for the faithful discharge of his duty in collecting and paying into the treasury such taxes and penalty. The compensation of such treasurer for collecting and paying in said taxes and penalty shall be five per centum of the aggregate of said taxes and penalty, and shall be paid by such corporation, company, firm, or person.

SCHOOL TAXES TO BE SEPARATELY ASSESSED AND PAID IN MONEY.

147. All taxes assessed on property, real or personal, by this act, and by it dedicated to the maintenance of the public free schools of this State, shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the free school fund, and shall be used for no other purposes whatsoever. And to this end the auditor of public accounts shall have the books of the commissioners of the revenue prepared with reference to the separate assessments and collection of said school tax, and the treasurers of the several counties and cities of the Commonwealth shall have the tax bills in their respective counties and cities so made out as to specify the amount of tax due from each tax-payer to the said public free school fund, including the capitation tax and school taxes of whatever kind or nature, and to keep said capitation tax and school taxes separate and distinct from all other taxes or revenues so collected by him, and forward the same, thus separate and distinct, to the auditor of public accounts, which shall be kept separate and distinct by him from all other taxes or revenues until paid the public free schools.

148. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

149. This act shall be in force from its passage.

CHAP. 149.—An ACT to authorize the board of supervisors of Giles county to sell to the trustees of the Baptist church a lot or parcel of land off the county farm near Ripplemead, Virginia, for the purpose of erecting a church thereon and to provide for the conveyance of same.

Approved April 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Giles county may sell, at such price as is mutually agreed on, to the trustees of the Baptist church, a lot or parcel of land off the county farm, near Ripplemead, in said county, for the purpose of erecting a church thereon, and said board, by an order duly made on its record, may appoint a commissioner to execute and deliver a deed for such parcel of land as may be sold by virtue of this act, and when said deed is executed and delivered it shall pass the legal and equitable title to said parcel of land to the grantees named therein.

2. This act shall be in force from its passage.

CHAP. 150.—An ACT to incorporate the town of Drakes Branch, in the county of Charlotte.

Approved April 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the community of Drakes Branch, in the county of Charlotte, as the same has heretofore been or may hereafter be laid off in lots, streets, and alleys shall be, and the same is hereby, made a town corporate by the name of Drakes Branch, and by that name shall have and exercise all the rights, powers, and privileges conferred, and be subject to the duties, liabilities, and restrictions imposed by law for the government of towns of less than five thousand inhabitants.

2. The boundaries of said town shall be embraced with the limits of one mile extending north, south, east, and west from a point in the center of the intersection of the public road with the track of the main line of the Southern railroad at the railroad station, making an area of two miles square.

3. The officers of said town shall be a mayor, a council consisting of six members, a sergeant, and such other officers as the council deem proper and necessary for the government of the town and the conduct of its business. All officers shall be elected or appointed in the manner prescribed by law, and in the absence of any provision of law on the subject, then they shall be elected in the manner prescribed by ordinance of the council.

4. The following named persons be, and they are hereby, appointed officers of said town as named, to serve as such officers until their successors are duly elected and qualified, namely: D. W. Berger shall be mayor, and George B. Russell, L. S. Jackson, P. N. Morgan, T. W. Scott, W. T. Pettus, and J. E. Crutcher shall compose the council of said town.

5. This act shall be in force from its passage.

CHAP. 151.—An ACT to amend and re-enact section 587 as to licenses revoked by local option elections.

Approved April 14, 1903.

1. Be it enacted by the general assembly of Virginia, That section five hundred and eighty-seven of the Code of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 587. If any person sells any wine, spirituous, or malt liquors, or any mixture thereof, in any county, magisterial district, or corporation, voting, as hereinbefore provided, against the sale of liquor and the granting of liquor license therein, he shall be liable to all the penalties imposed for the sale of spirituous liquors or ardent spirits without a license. This act shall be construed to prohibit distillers of alcoholic liquors or manufacturers of wine or malt liquors from selling and delivering any such liquors or wines in any county, magisterial district, or corporation voting as aforesaid against the sale of intoxicating liquors therein: pro-

vided, however, that when any person, who has been duly licensed to sell wines, spirituous, or malt liquors, and who has paid to the State the license fee imposed by law, shall be deprived of the privilege of doing business under such license by any election held under this chapter, he may apply to the clerk of the circuit court, the corporation or the hustings court of the county, the town, or the city by which the license was granted for a certificate, which shall set forth the time when said license was granted, the time when it began, the period for which it was granted, the time when it was revoked by said election, and the number of months for which said license would have been in force if the said license had not been revoked, the amount originally paid for said license, and the pro rata amount to be refunded to the person to whom said license was granted. Upon the filing of the foregoing certificate in the office of the auditor of public accounts, he shall pay the sum so certified to the person named in said certificate, or to the legal representative of such person.

The provisions of this act shall be construed to apply to any license revoked by any local-option election held since the first day of January, nineteen hundred and two.

2. This act shall be in force from its passage.

CHAP. 152.—An ACT to apportion the obligation and costs of maintaining, keeping in repair and rebuilding certain bridges over Blackwater river, the dividing line between the counties of Isle of Wight and Southampton, between the said counties.

Approved April 14, 1903.

Whereas, there are numerous bridges over Blackwater river, the dividing line between the counties of Isle of Wight and Southampton; and,

Whereas, the execution of the general law regulating the building and repair of bridges over streams forming the boundary line between two counties is attended with considerable unavoidable delay; and,

Whereas, it is desired by the board of supervisors of the said several counties that the maintenance of said bridges and the costs of rebuilding and repair of the same be apportioned between the said counties as hereinafter mentioned; therefore,

1. Be it enacted by the general assembly of Virginia, That the county of Isle of Wight shall take sole charge of, and at its own expense, and in the manner provided by law as to building and repair of bridges over streams not forming the boundary or dividing line between two counties, maintain, keep in repair, and, when necessary, rebuild, unless the same be discontinued in the manner hereinafter provided, the following bridges over Blackwater river, the boundary line between the said counties, to-wit: The two bridges at or near Zuni, known as the Purcel bridges; the Long Broadwater bridge, and Blackwater bridge. That the county of Southampton shall take sole charge of, and at its own expense, and in the manner provided by law for the building and repair of bridges over streams not forming the boundary or dividing the line between two coun-

ties, maintain, keep in repair, and, when necessary, rebuild, unless the same be discontinued in the manner hereinafter provided, the following bridges over Blackwater river, the boundary line aforesaid, to-wit: Proctor's bridge, Joyner's bridge, and the Franklin bridge: provided, however, that the Franklin bridge, being now in need of repairs or rebuilding, shall be repaired or rebuilt, as may be necessary, at the joint expense of the said counties, the county of Isle of Wight paying two-fifths of the cost thereof and the county of Southampton paying three-fifths of the cost, such costs not to exceed in any or either event the sum of nine hundred dollars, but thereafter to be kept in repair and rebuilt at the sole expense of the county of Southampton: and provided, also, that in the event a draw should legally be required to be placed, kept, and maintained in the said bridges, or any or either of them, then and in that event, notwithstanding the provisions of this act, the actual cost of building said draw, or draws, shall be jointly borne by the said counties in the proportion last aforesaid. The costs of maintaining such draw, or draws, or of repairing and rebuilding the same, to be borne and paid by the said county to which the said bridge, in which a draw may be legally required as aforesaid, is allotted under the provisions of this act.

2. That neither of the said bridges shall be discontinued, or permitted to become dangerous and out of repair, without the mutual consent of the county courts of the said counties, entered of record.

And in the event of the failure or refusal of either of the said counties to keep in repair, or when necessary rebuild, the said bridges, or any of them, which it is required to keep in repair or rebuild under the provisions of this act, the county aggrieved thereby may proceed in the manner provided by section nine hundred and eighty-nine of the Code of Virginia, so far as the same is applicable thereto, to require the county in default to keep in repair or rebuild such bridge or bridges.

3. All acts or parts of acts inconsistent with this act, so far as applicable to the said bridges, are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 153.—An ACT to allow the auditor of public accounts to pay officers and employees of the State at stated periods.

Approved April 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is authorized and directed to draw his warrants on the treasurer for the payment of officers' and employees' salaries at the seat of government on the first day of each month and the fifteenth day of each month, respectively.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 154.—An ACT to amend and re-enact an act entitled an act to authorize the board of supervisors of Botetourt county to borrow \$9,000 for the purpose of building a bridge across James river in that county, approved March 29, 1902, so as to authorize the said board to borrow \$12,000 for the purpose aforesaid, and to issue bonds of the said county therefor.

Approved April 14, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the board of supervisors of Botetourt county to borrow nine thousand dollars for the purpose of building a bridge across James river in that county, approved March twenty-ninth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 1. That the board of supervisors of the county of Botetourt be, and hereby is, authorized and empowered to borrow a sum of money not exceeding twelve thousand dollars for and in the name of the said county, to be expended in the erection and construction of a bridge across James river at Glen Wilton, in said county, and to issue bonds of said county for the loan thereof; and they may appoint an agent, or agents, to negotiate the loan of the said sum of money. Said bonds may be either registered or with coupons attached, as said board of supervisors may prescribe; shall be signed by the chairman of the said board of supervisors, and countersigned by the clerk thereof; shall be in denominations of one hundred dollars, or some multiple thereof; shall bear interest at a rate not exceeding five per centum per annum, payable annually at the office of the treasurer of said county, and shall be payable not exceeding twenty years from the date thereof at said office, but may, in the discretion of said board, be redeemable at such time or after such period as the said board may prescribe; but no bonds issued under this act shall be sold or negotiated at less than par.

§ 2. At the time at which the said board of supervisors makes its levy for the said county it shall levy on all the property in said county liable to State tax and county levy, such tax to pay the interest on the bonds of the county so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors may deem necessary or proper, but such levy for a year shall not exceed the interest on the whole debt and one-tenth of the principal thereof.

2. This act shall be in force from its passage.

CHAP. 155.—An ACT to amend and re-enact section 931 of the Code of Virginia.

Approved April 15, 1903.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and thirty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 931. Circuit and corporation courts to order jails erected and jails and courthouses to be repaired.—When it shall appear to the circuit court of any county or the corporation court of any city that there is no jail

therein, or when it appears to such court, from the report of persons appointed to examine the jail or courthouse, or otherwise, that the jail or courthouse of such county or city is insecure or out of repair, or otherwise insufficient, it shall be the duty of such court to award a rule, in the name and on behalf of the Commonwealth against the supervisors of the said county, or the members of the council of the said city, as the case may be, to show cause why a peremptory mandamus should not issue, commanding them to erect a jail for the said county or city, or to cause the jail or courthouse of such county or city to be made secure, or put in good repair, or rendered otherwise sufficient, as the case may be, and to proceed as in other cases of mandamus, to cause the necessary work to be done.

2. This act shall be in force from its passage.

CHAP. 156.—An ACT making it a misdemeanor to employ children under the age of twelve years in manufacturing, mechanical and mining operations, and to regulate the hours of employment of children between the ages of twelve and fourteen, and to prescribe penalties for violations of the provisions of said act.

Approved April 16, 1903.

1. Be it enacted by the general assembly of Virginia, That no child under the age of fourteen years and over twelve years of age shall be employed in any manufacturing, mechanical, or mining operations in this Commonwealth to work between the hours of six o'clock post-meridian and seven o'clock ante-meridian; and that no child under the age of twelve years shall be employed in any manufacturing, mechanical, or mining operation in this Commonwealth; and any owner, agent, superintendent, overseer, foreman, or manager of any manufacturing, mechanical, or mining operation who shall knowingly employ, or permit to be employed, in the operation of which he is owner, agent, superintendent, overseer, foreman, or manager any child contrary to the provisions of this act, and any parent or guardian who allows or consents to such employment of his child or ward, shall, upon conviction of such offense, be fined not less than twenty-five dollars nor more than one hundred dollars.

2. This act shall be in force on and from January first, nineteen hundred and four.

CHAP. 157.—An ACT to amend and re-enact section 3090 of the Code of Virginia, as amended and re-enacted by the act of the general assembly approved January 18, 1888, as amended and re-enacted by an act approved March 7, 1900, so as to place the county of Craig with those counties west of the Blue Ridge, whose causes in the court of appeals are heard in Staunton.

Approved April 16, 1903.

1. Be it enacted by the general assembly of Virginia, That section three thousand and ninety of the Code of Virginia, as amended and re-enacted by the act of assembly approved January eighteen, eighteen hundred and eighty-eight, as amended and re-enacted by an act approved March

seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 3090. At Wytheville.—The court, at its session at Wytheville, in the county of Wythe, shall hear and determine all appeals, writs of error, or supersedeas which may be brought to the court of appeals, from or to decrees, judgments, sentences, or orders of courts, from the following counties: Roanoke, Montgomery, Floyd, Carroll, Pulaski, Giles, Bland, Wythe, Grayson, Smyth, Tazewell, Washington, Russell, Buchanan, Wise, Dickinson, Scott, Lee, and Bedford.

2. That the clerk of the court of appeals at Wytheville will transmit, without delay, to the clerk of the court of appeals at Staunton all records of suits and other matters from Craig county now pending in the court at Wytheville.

3. This act shall be in force from its passage.

CHAP. 158.—An ACT to confer upon all the city and municipal corporations additional and full power to regulate and control the sale of wine, malt liquors, ardent spirits, and all intoxicant liquors.

Approved April 16, 1903.

1. Be it enacted by the general assembly of Virginia, That all cities and towns of the State of Virginia shall have full power to pass all by-laws, rules, and ordinances (not repugnant to the Constitution and laws of this State) that may be deemed necessary to require saloon-keepers and all other persons who may be licensed to sell whiskey, wine, malt liquors, or other intoxicating drinks, to close their places of business between certain prescribed hours of each day; which hours shall not be earlier than nine post-meridian nor later than six ante-meridian of the day following, and to prohibit the sale of any and all such drinks within the specified hours fixed by the rules, by-laws, and ordinances of said cities or towns within the corporate limits of such cities or towns.

2. To pass all by-laws, rules, and ordinances (not repugnant to the Constitution and the laws of this State), which may be deemed necessary to prevent all saloon-keepers and all persons who are licensed to sell whiskey, wine, beer, malt liquors, or other intoxicating drinks in the cities and towns from erecting, maintaining, or using any screen, shade, partition, or other obstructions in the places of business of such persons who are licensed to sell whiskey, wine, malt liquors, or other intoxicating drinks whereby the full, free, and easy public view from the streets in such places of business may be cut off or obstructed.

3. This act shall be in force from its passage.

CHAP. 159.—An ACT to provide for the raising and training of bloodhounds for police purposes.

Became a law, without the signature of the governor, April 17, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the superintendent of the penitentiary to procure, upon the most advantageous terms possible, one male and two female bloodhounds, of suitable breed, which he shall keep on the penitentiary farm for breeding purposes; that he shall have them and their progeny properly cared for and trained to track criminals.

2. The superintendent of the penitentiary shall, upon the order of the circuit court or board of supervisors of any county, or upon the like order of the corporation court or the council of any city, furnish one of said bloodhounds to the sheriff of such county or to the sergeant of such city, free of charge, the said bloodhounds to be conveyed to their destination at the expense of the said counties or cities ordering them.

3. Whenever the supply of such bloodhounds shall exceed the demand for the same under the provisions of section two of this act, the superintendent is authorized to sell the surplus ones to other parties, the revenue arising therefrom to be accounted for as a part of the annual revenues of the penitentiary farm.

4. This act shall be in force from its passage.

CHAP. 160.—An ACT to authorize and empower the board of supervisors of any county in the State to adjust and settle judgments in favor of any county against any treasurer, or ex-treasurer thereof, and his sureties.

Approved April 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of each and every county in this State be, and they are hereby, authorized and empowered, with the advice and consent of the Commonwealth's attorney of said county, to adjust and settle upon equitable principles, without regard to strict legal rules, any judgment, the collection of which is doubtful, which may exist in favor of any said counties, against any treasurer or ex-treasurer of any county and his sureties: provided, however, that before such adjustment or settlement shall in any wise affect the rights of said county, it shall be submitted to the judge of the circuit court of said county, accompanied by a written statement signed by the board of supervisors of said county, of the facts and reasons which, in the opinion of said board, render such judgment and settlement just and proper; and when the said court shall approve and endorse the same, it shall enter an order in its records of such approval, whereupon it shall become valid and binding.

2. This act shall be in force from its passage.

CHAP. 161.—An ACT to provide for an election in Orange county for the purpose of taking the sense of the qualified voters upon the question of issuing bonds to build macadamized public roads; to appoint road commissioners, prescribe their powers and duties, and to authorize the board of supervisors of said county to issue and negotiate said bonds.

Approved April 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the county court of Orange county is hereby directed, at its term to be holden for April, nineteen hundred and three, to order an election in said county for the purpose of taking the sense of the qualified voters upon the proposition to issue bonds and selling same to an amount not exceeding one hundred thousand dollars, the proceeds to be applied to building macadamized public roads in said county, the time of holding said election to be fixed by said court, to be held not later than thirty days from the date of said order, and to be held in the usual manner of holding special elections.

2. The form of ballots to be used in such election shall be prescribed by the county court; and if a majority of the votes cast in such election shall be in favor of issuing said bonds, then they shall be issued under the supervision of and in such denominations as the board of supervisors shall determine, at the expense of the fund arising from the proceeds of the sale of same. Said bonds shall be coupon bonds, dated July first, nineteen hundred and three, and due July first, nineteen hundred and thirty-three, redeemable at the option of the board of supervisors of said county after fifteen years from the date thereof, and shall bear interest at the rate of four per centum per annum, payable semi-annually. Said bonds shall not be sold at less than par value; and shall be signed by the chairman of the board of supervisors and countersigned by the clerk thereof; said bonds shall be negotiated as needed, in sums of twenty-five thousand dollars at one time, in such manner as the said board of supervisors may prescribe.

3. The said board of supervisors shall levy a special tax sufficient to meet the interest on said bonds, which shall be collected as the other taxes are collected by the treasurer of the county of Orange, and be kept by him as a separate and distinct fund for that purpose.

4. There shall be a board of road commissioners for each magisterial district, consisting of three, of which the supervisor for each district shall be ex-officio a member, and its chairman; the two remaining members to be appointed by the county court, shall be citizens and freeholders of the district for which they are appointed, and shall serve for four years, at the end of which time, or in case of a vacancy arising, the court shall appoint their successors. The members of these boards, except the supervisor, shall receive from this fund the sum of two dollars per day for each full day of service as such commissioner.

5. The proceeds of the sale of all bonds issued by virtue of this act shall be apportioned by the board of supervisors between the different magisterial districts in proportion to the amount of taxes paid by each district during the fiscal year last preceding, and said board of supervisors shall cause such amounts to be deposited with the county treasurer to the credit of the board of road commissioners for each district. The

treasurer shall pay out the same upon the warrants of such board, signed by its chairman and clerk, and the treasurer shall receive one-fourth of one per centum for receiving and disbursing such funds.

6. The treasurer of said county shall execute a bond in the sum of twenty thousand dollars in some security company doing business in this State, conditioned for the faithful discharge of his duties in this connection, the cost of which bond shall be paid out of the funds in his hands from the sale of said bonds.

7. The board of road commissioners for each district is authorized to employ a competent engineer, purchase road-making machinery, and to make contracts for the building of macadamized roads twelve feet wide, within their respective districts, at such points as the said board shall designate, leaving, when practicable, the dirt road alongside the macadamized road.

8. This act shall be in force from its passage.

CHAP. 162.—An ACT to amend and re-enact section 1, chapter 1, of the charter of the city of Danville, Virginia, so as to include in one act the entire description of the corporate lines of the said city, and to thus present the said lines as a whole; to render accurate some ambiguities in the courses of the lines of the town of Neapolis, annexed to the city of Danville, by an act entitled an act to extend the limits of the city of Danville, approved 2d day of March, 1896, and to include the description set forth in an act entitled an act to extend the limits of the town of Danville, approved 28th January, 1867, and the description set forth in said act, approved 2d March, 1896.

Approved April 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the following limits, to-wit: Beginning at a point in the middle of south Main street, on the north side of the Southern railroad, and forty feet from the middle of the said track and running thence north fourteen degrees, west two thousand and sixty-nine feet, five inches, to the intersection of Caswell and west Main streets, at southwest corner; thence north thirty-four degrees, ten minutes east, crossing west Main street, seven hundred and seventeen feet, nine inches, to white oak tree, near head of Doe's spring branch; thence down said branch north no degrees, fifteen minutes, west eight hundred and fifty-three feet, nine inches; thence north thirteen degrees, east six hundred and twenty-one feet, one inch; thence north six degrees, nine minutes, west five hundred and ninety-nine feet, four inches; thence north two degrees, thirty-eight minutes, east seven hundred and fifty-four feet, nine inches; thence north twenty-seven degrees, twenty minutes, west one thousand one hundred and twenty-six feet, eight inches; thence north nine degrees, fifteen minutes, west five hundred and fifty-eight feet to Dan river, at the mouth of branch and fifty feet from the bank, into the river; thence down the river and fifty feet from the bank and parallel with it, north sixty-five degrees, fifty-nine minutes, east five hundred and twenty-four feet, one inch; thence north eighty-three degrees, twenty-seven minutes, east five hundred and seventy-six feet, eight inches; thence north eighty-six degrees, twenty-

eight minutes, east six hundred feet, nine inches; thence due east one thousand one hundred and seventy feet; thence south fifty-one degrees, forty-eight minutes, east two hundred and one feet to the top of the dam; thence north thirty-three degrees, fifty-six minutes, east one thousand and nineteen feet, four inches, crossing the river to the north side to a point on the stone bulk-head at the water's edge; thence up the river along the edge of the water at common water north thirty-seven degrees, twenty-seven minutes, west three hundred and sixty feet; thence continuing the line in same course, north thirty-seven degrees, twenty-seven minutes, west three hundred and thirty-nine feet, three inches, leaving the water's edge to a point on the south side of the Henry road; thence north seventy-one degrees, twenty minutes, east nine hundred and ninety-one feet along the north side of Henry street to the intersection of Henry street with the Walker road; thence continuing the same direction north seventy-one degrees, twenty minutes, east five hundred and twenty-eight feet, five inches, crossing the Walker road to a point on the west side of, and forty feet from, the middle of the Southern railway company's track; thence parallel with said railroad track and forty feet from the middle of said track north fourteen degrees, thirty-one minutes, east one thousand and sixty-nine feet, one inch, north nine degrees, thirty minutes, east four hundred and twenty-one feet, six inches; thence due north three hundred and twenty feet, nine inches; thence north five degrees, twenty-one minutes, west one thousand one hundred and thirty-five feet, nine inches; thence north twelve degrees, forty-five minutes, west one hundred and forty-three feet, two inches, to a point opposite a pipe culvert under the railroad track; thence south eighty-nine degrees, four minutes, east three thousand eight hundred and seventeen feet to a point on the west side of north Main street, which point is the northern corner of Tyree's yard fence as it now stands; thence south seventy-four degrees, twenty-eight minutes, east one thousand five hundred and thirty-four feet, six inches, to a point on the northern side of the Bradley road, which point is in front of a house belonging to Edward Smith; thence crossing said road south four degrees, forty minutes, west three thousand three hundred and ninety-eight feet, five inches, to the edge of water in Fall creek, which point is also in the boundary line dividing the Shepherd lands from those of M. B. Hodnett; thence down Fall creek south forty-three degrees, eleven minutes, west one hundred and eighty-six feet, seven inches, south twenty-four degrees, nine inches, west one hundred and sixty-two feet, south forty-eight degrees, twenty minutes, west eight hundred and six feet, south thirty-one degrees, fifty-one minutes, west six hundred and twelve feet, three inches, south eight degrees, thirty-two minutes, west three hundred and twenty-four feet, south five degrees, fifty-two minutes, west one thousand one hundred and sixty-three feet, south twenty-eight degrees, twenty-eight minutes, east four hundred and forty-six feet, five inches, south thirty-six degrees, twenty-two minutes, west five hundred and seventy-three feet, nine inches, south sixteen degrees, west three hundred and ninety-seven feet, four inches, to edge of common water in Dan river; thence crossing the river south fifty-two degrees, eight minutes, west six hundred and eleven feet, three inches, to a point fifty feet from the south bank of the river; thence down the river fifty feet from, and

parallel with, its southern bank south thirty-eight degrees, east three hundred and seventy-eight feet, seven inches, south twenty degrees, fifty-eight minutes, east four hundred and thirty-six feet, eight inches, south two degrees, fifty-seven minutes, east seven hundred and eighty-nine feet, three inches, south twelve degrees, nine minutes, east eight hundred and ninety-five feet, five inches; thence leaving the river south seventy-three degrees, fifty minutes, west two thousand one hundred and seventy-two feet, five inches, crossing the tracks and right of way of the Southern Railway Company to a point forty feet from the middle of the main track of said road; thence up the said railroad on the northwest side by a line forty feet from the middle of said main track and parallel with it south forty-seven degrees, west two hundred and eighty-seven feet, eight inches, south sixty-one degrees, three minutes, west two hundred and ninety-seven feet, three inches, south sixty-six degrees, forty-one minutes, west four hundred and sixty-six feet, six inches, south sixty-nine degrees, fifty-nine minutes, west four hundred and seventy-seven feet, six inches, south eighty-four degrees, forty-three minutes, west one hundred and sixty-nine feet, five inches, north eighty-one degrees, twenty-nine minutes, west two hundred and ninety-three feet, one inch, north sixty-seven degrees, twenty-five minutes, west two hundred and seventy-one feet, eight inches, north fifty-nine degrees, seven minutes, west two hundred and sixty-one feet, four inches, north sixty-nine degrees, five minutes, west five hundred and thirteen feet, four inches, south eighty-seven degrees, twenty-seven minutes, west four hundred and forty-seven feet, eight inches, south seventy-six degrees, thirty-three minutes, west two thousand five hundred and seventy-seven feet, five inches, to the middle of south Main street at the beginning, shall be deemed and taken as the city of Danville, and the inhabitants of the city of Danville, for all purposes for which towns and cities are incorporated, shall continue to be one body politic, in fact and in name, under the style and denomination of the "city of Danville," and as such shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to, and incumbent on, said city as a municipal corporation.

2. This act shall be in force from its passage.

CHAP. 163.—An ACT to amend and re-enact sections 3 and 22 of the charter of the town of South Boston, in the county of Halifax.

Approved April 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section three of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, be amended and re-enacted so as to read as follows:

§ 3. There shall be elected on the first Tuesday in December, nineteen hundred and four, and every two years thereafter, from among its electors, seven trustees for the said town by the qualified voters residing within its corporate limits. The provisions of section ten hundred and twenty-two of the Code of Virginia, as amended by the act approved February ———,

nineteen hundred and three, entitled an act to amend and re-enact section ten hundred and twenty-two of the Code of Virginia, in relation to registrars and judges of election for the towns of this State, shall apply to the town of South Boston, and the registrar and judges of election for said town shall be appointed by the electoral board of the county of Halifax, as prescribed in said act for the appointment of registrars and judges of election for the towns of this State; and the duties of the registrar for said town shall be such as are prescribed by said act. The judges of election for said town, so appointed, shall hold all elections therein, between the hours of one o'clock in the afternoon and sunset of the same day. They shall appoint two clerks of election, who shall keep the poll books thereof. The judges and clerks of election, before entering upon the discharge of their duties as such, shall be duly sworn, as prescribed by the general laws of this Commonwealth for judges and clerks of election. The judges of election shall decide any contest with reference to the right of any individual to vote, and they shall count the ballots. In case it is impossible, by reason of a tie, to determine the seven persons who have received the highest number of votes, one of them shall determine the matter by lot, in the presence of his associates and of the clerks of election. The persons holding the election shall determine who have received the highest number of votes at such election and certify the same and an abstract of the votes on the poll books, and make return thereof, together with the ballots, to the clerk of the council, to be preserved by him. He shall immediately, on their receipt, make out and deliver a certificate of election to each of the persons elected. The persons so elected as trustees shall enter upon their duties on the first day of January next succeeding their election, and hold their offices for the term of two years, and until their successors are elected and qualified. They shall elect one of their number to be mayor of the said town, and may fill any vacancy occurring in their body for the unexpired term. If the judges of election appointed for said town, or any one or more of them, shall decline or fail to serve as such, their places shall be filled in the manner prescribed by the general laws of this Commonwealth.

2. That section twenty-two of the charter of the town of South Boston, in the county of Halifax, as amended by an act approved March twenty-fifth, nineteen hundred and two, entitled an act to amend the charter of the town of South Boston, in Halifax county, Virginia, be amended and re-enacted so as to read as follows:

§ 22. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor, bearing interest at the rate of six per centum or less per annum, payable semi-annually, and redeemable in thirty-four years or less, which bonds shall be exempt from taxation by said town: provided, that the council shall not contract any loan or issue any bonds therefor, unless the same be authorized by a vote of the freeholders who are qualified voters of the said town, and a majority of those voting be in favor thereof: and provided, further, that in no case shall the aggregate debt of the said town at any one time exceed seven and a half per centum of the assessed value of the property, real and personal, within the corporate limits of the said town. And in any election

held under this section the order therefor shall state the object for which the money is to be used.

3. This act shall be in force from its passage.

CHAP. 164.—An ACT to provide for the settlement of any controversy or uncertainty as to the existence, or as to the limits and boundaries, of any public road in Alexandria county, and for recording a plat of said road and marking its boundaries, and for limiting the time in which the existence or boundaries of any such road may be drawn in question.

Approved April 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Alexandria county is hereby authorized to ascertain the boundaries of any public road in said county, to have made a diagram or plat of said road, and to erect suitable monuments to define the same.

2. That after five years from the date of the erection of such monuments, provided for in section one of this act, the boundaries of any such road shall not be brought in question in any proceeding, and at the expiration of such period the board of supervisors of said county shall have a diagram or plat of such road recorded in a book, to be kept for that purpose.

3. That whenever there is any controversy or uncertainty as to the existence, or as to the limits or boundaries of any public road in Alexandria county, or any part thereof, the circuit court of said county shall have jurisdiction, upon a bill filed by the board of supervisors of said county, as complainant, against one or all, or any intermediate number of the land owners whose interests may be involved or affected as defendants, to hear and settle any and all questions relating to the existence and limits and boundaries of such road, and to determine whether the same is in fact a public road, and what are the true limits and boundaries thereof, in whole or in part, and its decrees shall bind those who are parties or privies to the proceeding. In any such case, when it is determined that a public road exists, and what are the limits and boundaries thereof as aforesaid, the court shall direct that a diagram or plat, showing the same, be recorded in a book to be kept for that purpose, and the board of supervisors shall cause the said limits and boundaries to be marked by suitable monuments.

4. This act shall be in force from its passage.

CHAP. 165.—An ACT for the protection of fish in the waters of Back bay and its tributaries.

Approved April 22, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons to catch fish in the waters of Back bay or its tributaries, at any time with a drag net, or haul seine with

meshes less than one and three-eighths of an inch square. All persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, fined not exceeding one hundred dollars, or be imprisoned in jail for a period not exceeding thirty days, or both, and, moreover, all nets, seines, and boats, or other devices used in the commission of such offense, shall be sold by order of the circuit court, and the proceeds thereof forfeited to the Commonwealth.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force on and after the twenty-fifth day of October, nineteen hundred and three.

CHAP. 166.—An ACT to empower the several road boards of Clarke county to purchase rock crushers for their respective districts, and to make provision for the payment thereof.

Approved April 22, 1903.

1. Be it enacted by the general assembly of Virginia, That the road board of each magisterial district in the county of Clarke is hereby authorized and empowered to purchase for its respective district a rock crusher for use on the public roads in said district: provided, the cost of said rock crusher does not exceed the sum of one thousand dollars.

2. The said rock crusher, when so purchased, shall be the property of the respective district for which it was purchased, and shall be used exclusively on the public roads of that district.

3. The board of supervisors of the said county of Clarke shall include in the annual levy next following the purchase of a rock crusher as above authorized, upon the property and lawful subjects of taxation in the said county, as a part of the county levy, a sum and tax sufficient to defray the cost of such purchase.

4. The said board of supervisors shall equalize, as far as possible and practicable, their levy to meet expenditures under this act, so as to make each district pay for its respective purchase of a rock crusher as above authorized.

5. It shall be discretionary with each of the road boards in the respective districts of said county whether they will take advantage of the powers conferred under this act.

6. This act shall be in force from its passage.

CHAP. 167.—An ACT for the issuing of \$100,000 of bonds, to purchase land, and to build and erect thereon a market-house, armory, council chamber, and city offices, or otherwise acquire the same, and to provide a circuit court-room in the present courthouse building, and provide a fire-proof vault for the records of the corporation and circuit courts, and for the furnishing and equipping of the said new buildings in the city of Newport News.

Approved April 22, 1903.

1. Be it enacted by the general assembly of Virginia, That in addition to the present indebtedness of the city of Newport News, and the certificates of debt or bonds which the council of the said city is otherwise authorized by law to issue, the council of the said city may, by a three-fourths vote of all its members, in the name and for the use of said city, cause to be issued certificates of debt or bonds (the form of which shall be prescribed by the council), in the amount of one hundred thousand dollars, payable in United States currency, bearing a rate of interest not exceeding six per centum per annum, and payable in the discretion of the council in not less than forty nor more than fifty years. But such certificates of debt or bonds shall not be issued or be valid, unless and until the question of issuing the same shall have first been submitted to the legal voters of the said city for their approval, at an election to be ordered and provided for by the council, and three-fifths of said legal voters voting at said election, who shall then own any freehold estate in real estate in said city; and two-thirds of said legal voters voting at said election, who shall then not own any freehold estate in real estate in said city, shall have voted in favor of the issue of said certificates of debt or bonds. Said election shall be by viva voce vote, and only those who are legal voters of the said city under the laws of Virginia shall have the right to vote. The words "freehold estate," as used in this section, shall be construed to embrace only a full ownership in fee simple, at law or in equity, or an estate for life. The council shall cause to be prepared, at least sixty days prior to any election hereunder, a list of the legal voters in said city owning such freehold estate, and shall cause the same to be published in a newspaper published in the said city for at least four weeks prior to any such election. The council shall, at least ten days before any such election, convene in session, and at such session revise and correct such list, if there be errors therein. Such list, when so revised and corrected, shall be conclusive on any question as to who constitute the legal vote in said city owning a freehold estate and entitled to vote at such election.

The said election shall not be held until notice of the time, place, and objects thereof shall have been first given by publication for at least thirty days in a daily newspaper published in the said city.

The said council is authorized to expend the money realized from the sale of the said bonds to purchase land and to build and erect thereon a market-house, armory, council chamber and city offices, or otherwise acquire the same, and to provide a circuit court room in the present courthouse building, and provide a fire-proof vault for the records of the circuit and corporation courts, and to furnish and equip said buildings.

And the said council shall not create or incur any other indebtedness which has not been provided for in the annual levy of the said city, or by some other act of the general assembly.

CHAP. 168.—An ACT to amend and re-enact section 1747 of the Code of Virginia, regulating the practice of medicine and surgery in Virginia, as amended and re-enacted by an act approved March 7, 1900.

Approved April 23, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and forty-seven of the Code of Virginia, as amended and re-enacted by an act approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1747. Examination of applicants for the practice of medicine and surgery; re-examination; fees of board.—It shall be the duty of the said board, at any of its said meetings, to examine all persons making application to them, who shall desire to commence the practice of medicine or surgery in this State: provided, said applicant shall produce before said board a diploma, or other satisfactory evidence of his graduation in some medical college, or institution teaching the art of healing human diseases chartered by the State or Territory in which the same is situated: provided, that any undergraduate taking a graded course in any regularly-chartered medical college shall be entitled to examination on such branch or branches as he or she may present a certificate from the said college of having passed a satisfactory examination, and having once passed a satisfactory examination on each of such branches before the State board of medical examiners, no further examination shall be required on such branch or branches; but an applicant failing to pass a satisfactory examination on any of such branches shall not be permitted to be examined on such branch or branches until he or she presents a diploma of graduation as doctor of medicine from some regularly-chartered college of medicine. And when an applicant shall have passed an examination satisfactory as to proficiency before the board in session, the president thereof shall grant to such applicant a certificate to that effect: provided, however, that any applicant professing a system of medicine which does not require the use of drugs in the treatment of disease shall be exempt from standing an examination on materia medica. A fee of ten dollars shall be paid to said board, through such officers or members as it may designate, by each applicant before such examination is had. And in case any applicant shall fail to pass a satisfactory examination he shall not be permitted to stand any further examination within the next six months thereafter, nor shall he have again to pay the fee prescribed as aforesaid: provided, however, no applicant shall be rejected upon his examination on account of his adherence to any particular school of medicine or system of practice, nor on account of his views as to the method of treatment and care of diseases: and provided, further, that when in the opinion of the president of the board any applicant has been prevented by good cause from appearing before the board, he shall have authority, in his discretion, to grant a special permit to such applicant to practice medicine or surgery until he shall have an opportunity to appear before the board in session for examination, which said special permit shall be revocable at the discretion of the president; and in no case shall it entitle the holder thereof to practice after the next regular meeting of said board. The said board shall have, in their discretion, authority to accept in lieu of

examination of an applicant a diploma or other satisfactory evidence of the graduation of the applicant in some medical college chartered by the State or Territory in which the same is situated, and a certificate from the examining board of any other State or Territory of the United States or the District of Columbia, showing that said applicant has passed a satisfactory examination as to his proficiency, and obtained license from said board to practice medicine and surgery in said State, Territory, or district: provided, that any person who was examined by the State examining board prior to January first, nineteen hundred, and whose fee for such examination was duly paid, but who failed to pass said examination, shall have the right and privilege of taking the examination before the State board, notwithstanding the provisions of this act.

2. This act shall take effect from its passage.

CHAP. 169.—An ACT to amend and re-enact section 1750 of the Code of Virginia, regulating the practice of medicine and surgery in Virginia, as amended and re-enacted by an act approved March 7, 1900.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and fifty of the Code of Virginia, as amended and re-enacted by an act approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1750. Who prohibited from practicing medicine or surgery without certificate; penalty for practicing illegally; what courts have jurisdiction to inflict.—No person who shall have commenced the practice of medicine or surgery in this State since the first day of January, eighteen hundred and eighty-five, or who shall hereafter commence the practice of the same, shall practice as a physician or surgeon for compensation without having first obtained a certificate from the State board of medical examiners and caused the same to be recorded as aforesaid, or a special permit from the president of said board. To open an office for such purpose or to announce to the public in any way a readiness to practice medicine in any county or city of the State, or prescribe for, or to give surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure or relieve those suffering from injury or deformity, or disease of mind or body, or to advertise, or to announce to the public in any manner a readiness or ability to heal, cure or relieve those who may be suffering from injury or deformity, or disease of mind or body, shall be to engage in the practice of medicine within the meaning of this section: provided, that nothing in this section shall be construed to apply to or to limit in any manner the manufacture or sale of proprietary medicines, or apply to, affect or interfere in any way with the operation of any hospital now established in this State, or any person while engaged in conducting such hospital, if there be a licensed physician resident and practicing therein, or to any person who commenced the practice of osteopathy in this State prior to January first, nineteen hundred and three. It shall also be regarded as practicing medicine within the meaning

of this section if any one shall use in connection with his or her name the words or letters "Dr.," "Doctor," "Professor," "M. D.," or "Healer," or any other title, word, letter, or designation intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches; but this section shall not be construed to apply to non-itinerant opticians who are at this time engaged in the practice of optometry in this State nor to professional or other nurses. Any person who shall practice medicine or surgery in this State in violation of the provisions of this section shall be fined not less than fifty nor more than five hundred dollars for each offense; and it shall not be lawful for him to recover by action, suit, motion or warrant in any of the courts of the State, any compensation for services which may be claimed to have been rendered by him as such physician or surgeon. The county and corporation courts shall have exclusive original jurisdiction to try offenses for violations of the provisions of this section committed within their respective counties and corporations.

2. This act shall take effect from its passage.

CHAP. 170.—An ACT to amend and re-enact section 2148 of the Code of Virginia, as amended by an act approved February 14, 1901, and by previous acts, in relation to the time for taking oysters, and to prohibit the use of patent tongs.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and forty-eight of the Code of Virginia, as amended by an act approved February fourteenth, nineteen hundred and one, and by previous acts, in relation to the time for taking oysters, be further amended and re-enacted, so as to read as follows:

§ 2148. Limitation as to time of taking oysters and in relation to patent tongs.—Hereafter it shall not be lawful for any person to take or catch oysters from any of the natural oyster beds, rocks, and shoals, in any of the waters of this Commonwealth, with tongs, or in any other way, from the first day of April to the fifteenth day of September of each year, except that in Broad bay, Longcreek, Lickhorn bay, or in any of the tributaries thereof, in the county of Princess Anne, the prohibited time shall be all of the year, except the months of October and November, or at any time to use or employ patent tongs for the purpose of taking or catching oysters or shells from the natural rocks, beds, or shoals of the State. And if any person be found upon the natural rocks, beds or shoals of this Commonwealth during the prohibited season, or during the night time of the open season with tongs, or other devices for taking or catching oysters, the same shall be prima facie evidence of the violation of this act by the person so found therein.

Any person violating the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five dollars, nor more than one hundred dollars for the first offense, and for any repetition thereof, shall be confined in jail not less than ten days nor more than six months.

This section shall not be construed as prohibiting the owner of planted

oysters from working on, or changing the location of said planted oysters, or from shipping the same to market at any time at the option of the owner.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force on and after July first, nineteen hundred and three.

CHAP. 171.—An ACT to amend and re-enact sections 2, 3, 4, and 5 of an act entitled an act to authorize the superintendent of the Virginia penitentiary to lease or purchase a farm, and to erect thereon suitable buildings for the care and employment of convicts, approved January 22, 1894, as amended by an act approved March 5, 1900, as amended by an act approved April 2, 1902.

Approved April 24, 1903. .

1. Be it enacted by the general assembly of Virginia, That sections two, three, four, and five of an act entitled an act to authorize the superintendent of the Virginia penitentiary to lease or purchase a farm and to erect thereon suitable buildings for the care and employment of convicts, approved January twenty-second, eighteen hundred and ninety-four, as amended by an act approved March fifth, nineteen hundred, as amended by an act approved April second, nineteen hundred and two, be amended and re-enacted so as to read as follows:

Whereas, the cells of the Virginia penitentiary are greatly overcrowded, there being less than two hundred cells for over twelve hundred male convicts; and,

Whereas, several hundred of the convicts are unfit for service in the prison, but could be made useful in the cultivation of a farm; therefore,

§ 2. Be it enacted by the general assembly of Virginia, That there shall be a surgeon for said farm appointed by the board, whose compensation shall be at the rate of fifty dollars per month and board for himself and horse; a superintendent appointed by the board, whose compensation shall be sixty dollars per month and board for himself, and who shall have charge of the cultivation of the farm, and shall perform such other duties as may be assigned him, all under the direction of the board.

The said superintendent, subject to the approval of the board, shall appoint, and may remove, such guards as may be necessary, whose compensation shall be twenty-five dollars per month and their board. The pay of the said superintendent, surgeon, and guards shall be monthly upon the certificate of the superintendent, on the warrant of the auditor of public accounts.

§ 3. All laws for the government of the penitentiary shall be in force on said farm, so far as applicable, and the same discipline enforced there as in the penitentiary.

§ 4. The said superintendent shall, at the end of each fiscal year, take an inventory and make out a general account between the State and farm for such year, charging the latter with the value of the stock, tools, implements, materials and supplies, including provisions and clothing on

hand at the commencement of the year, and the cost of the same bought during the year, the salaries of officers and guards, and all other expenses of the farm; and crediting it with work done by the convicts on the buildings and permanent fixtures on the farm, the value of the stock, tools, implements, and so forth, on hand at the end of the year, the value of all products furnished the penitentiary, all moneys received for sale of such products, and all other debits and credits necessary to show a true account of the farm with the State.

§ 5. All costs of lease, erection of buildings, and other expenses of said farm, not otherwise provided for, shall be paid out of the net earnings of the penitentiary, by warrants drawn on the treasury, upon the order of the superintendent of the penitentiary, approved by the board.

2. This act shall be in force from its passage.

CHAP. 172.—An ACT to amend and re-enact an act entitled an act to authorize the board of directors of the penitentiary to employ assistant clerks when needed, or to apportion the clerical work of the penitentiary among those now employed, and to apportion their compensation therefor, approved March 7, 1890.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the board of directors of the penitentiary to employ assistant clerks when needed, or to apportion the clerical work of the penitentiary among those now employed, and to apportion their compensation therefor, be amended and re-enacted so as to read as follows:

§ 1. That the superintendent, with the approval of the board of directors of the penitentiary, be, and he is hereby, authorized to employ, as the needs of the service may require, such assistant clerks, or may apportion the clerical work of the penitentiary among those now employed, regulating their compensation therefor: provided, the same shall in no case exceed the amount appropriated for that purpose: provided further, that all of the clerical forces at the penitentiary shall be paid out of the sum of eighty-five hundred and eighty dollars, carried in the general appropriation bill for officers' salary: and provided, further, that the salary of no clerk shall exceed the sum of nine hundred dollars.

2. This act shall be in force from its passage.

CHAP. 173.—An ACT to amend and re-enact independent section 11 of an act approved February 25, 1892, in relation to oysters, as amended and re-enacted by an act approved March 5, 1896, as further amended and re-enacted by an act approved February 3, 1900, and as further amended and re-enacted by an act approved March 7, 1900.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That independent section eleven of an act approved February twenty-fifth, eighteen

hundred and ninety-two, in relation to oysters, as amended and re-enacted by an act approved March fifth, eighteen hundred and ninety-six, as further amended and re-enacted by an act approved February third, nineteen hundred, and as further amended and re-enacted by an act approved March seventh, nineteen hundred, be further amended and re-enacted so as to read as follows:

§ 11. All oysters taken from any natural rocks, beds, or shoals, in the waters of this State, except on the eastern side of Accomac and Northampton counties, shall be culled on their natural rocks, beds, or shoals, as taken, and oysters whose shells measure less than three inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced upon said rock, beds, or shoals: provided, that oysters once passed from the culling board to the inside of the boat less than the prohibited size, and all shells shall be considered as not having been culled according to the provisions of this act: provided, that when small oysters are adhering so closely to the shell of the marketable oysters as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it. And it shall be unlawful for any person to take, buy, or sell the small oysters and shells so taken as aforesaid from the natural rocks, beds, and shoals as aforesaid. Any person violating the provisions of this act, either by removing from the said rocks, beds, or shoals, or by buying or selling oysters less than three inches in length, from hinge to mouth, or shells as hereinbefore mentioned, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars: provided, however, that so much of this section as prohibits the catching and taking of oysters whose shells measure less than three inches, from hinge to mouth, shall not apply to James river above a line drawn from Day's point, in the county of Isle of Wight, to Deep creek, in the county of Warwick. In addition to the penalty above prescribed, the license of any person found removing from the natural rocks, beds, or shoals, oysters of the size prohibited, or shells as aforesaid, shall be revoked, and such person shall not be again licensed to take or catch oysters in this State for a period of one year after the commission of such offense. And the having at one time of more than one bushel of oysters and shells on the culling board of any person oystering upon the natural rocks, beds, or shoals, or the attempt of such person to escape or to throw oysters or shells overboard into the water, otherwise than in the ordinary process of culling, upon the approach of an oyster inspector, or police boat, shall be prima facie evidence of the violation of this section.

2. This act shall be in force from its passage.

CHAP. 174.—An ACT to provide for the improvement of public roads in Shenandoah county, etc.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Shenandoah county, Virginia, be, and they are hereby,

authorized to issued bonds in the name and on behalf of the county of Shenandoah, or any magisterial district therein, to be called road improvement bonds, for a sum not exceeding one hundred thousand dollars for the county, or one-sixth thereof for any magisterial district, not bearing a greater rate of interest than five per centum per annum, and to sell the same, but in no case for less than par, and with the proceeds thereof macadamize or otherwise improve such leading roads in said county as shall be deemed best by said board of supervisors, or in the said district as the road board of said district shall deem best.

2. That the bonds issued under this act shall be coupon bonds for not less than two hundred dollars, nor more than one thousand dollars, each payable in not less than ten nor more than thirty years from date, bearing interest payable annually, at a rate not exceeding five per centum per annum, with the right to redeem any of said bonds after the expiration of five years at the option of said board. Said bonds shall be issued in the name of said county or district, shall be signed by the chairman of the board of supervisors of said county, or the supervisors of said district, and attested by the clerk of the county court. Said bonds shall be receivable at maturity for all claims and taxes of the said county and district, except school taxes.

3. All moneys realized from the sale of said bonds shall be received by the county treasurer of said county and drawn out on warrants of the said board of supervisors, or the road board of said district.

4. Said bonds and coupons, issued under the provisions of this act, shall be redeemable at the office of the county treasurer of said county, and when paid by him or received for taxes shall be marked "paid" and cancelled, and said bonds shall be also exempt from all county taxes.

5. The board of supervisors shall provide a fund for the payment of the interest and create a sinking fund to be applied to the payment of these bonds, issued under this act, at maturity, which fund shall be left in the treasurer's hands for that purpose. But said county treasurer shall receive for his services under this act only one per centum on the funds received on said bonds, and so held by him to meet the same.

6. But the board of supervisors shall not issue any bonds herein provided for until it has ordered a special election for the purpose, and submitted the question of issuing bonds under this act to the qualified voters of Shenandoah county. They shall fix a time for holding said election, publishing notice thereof for four successive weeks in some newspaper or newspapers published in said county, and to be posted at each voting place in said county.

7. It shall be the duty of the officers charged with conducting elections in said county to hold an election when so directed by the board of supervisors of said county in accordance with the provisions of this act. Said election shall be by ballot, and shall be conducted as the board of supervisors shall prescribe. On each ballot shall be printed "for bonds," "against bonds." Each voter shall be handed a ballot at the voting places, and shall express his choice by scratching from the ballot the words "for bonds" if he wishes to vote against the issue and "against bonds" if he wishes to vote for the issue.

8. The judges of each election precinct shall ascertain the wish of the

people by counting the ballots and certifying the result to the clerk of the county court in the manner and form of other elections.

9. The commissioners of election shall canvass the returns the second day after the election, and declare the results by magisterial districts.

10. The bonds provided for in this act shall be issued if the majority of the votes cast at said election is in favor thereof, otherwise the bonds shall not be issued by the said county. But if there is a majority as aforesaid in any one or more magisterial districts in favor of issuing said bonds, then the board of supervisors shall issue bonds, but not exceeding one-sixth of said one hundred thousand dollars for any one or more of said magisterial districts so voting for them.

11. If the bonds, or part thereof provided for under this act, be issued, the county of Shenandoah shall not issue bonds for any other purpose whatever, until at least one-half the bonds herein provided for have been paid.

12. That the board of supervisors, in lieu of issuing bonds under the conditions as heretofore provided, may, for the purpose of improving the public roads of said county or building bridges, levy a tax each year not exceeding fifty cents on each one hundred dollars of the taxable value of the property of said county.

13. In the event, however, an election is ordered and the returns as made by the judges of election and as shown by the certificate of the commissioners of election show that a majority of the qualified voters of said county, or any magisterial district thereof, has voted in favor of the issuance of bonds as hereinbefore provided, then the said board of supervisors shall be empowered to levy a tax of not less than ten cents on the one hundred dollars of the taxable value of the property of the said county, which shall be applied specifically to the creation of the sinking fund as hereinbefore described, and the payment of the annual interest on the bonds as issued, either by the county or districts, and, if the latter, then the fund collected from that particular district or districts as levied for the foregoing purposes shall be set apart for the creation of the sinking fund and for the payment of the annual interest on said bonds as issued by the said district or districts.

14. This act shall be in force from its passage.

CHAP. 175.—An ACT to amend and re-enact section 232 of the Code of Virginia, as amended by an act approved February 19, 1892, in relation to the appointment of directors and surgeon of the penitentiary.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section two hundred and thirty-two of the Code of Virginia, as amended by an act approved February nineteen, eighteen hundred and ninety-two, in relation to the appointment of directors and surgeon of the penitentiary, be amended and re-enacted so as to read as follows:

§ 232. That the governor shall, on the first day of February, nineteen hundred and three, or as soon thereafter as may be, appoint, subject to

confirmation by the senate, a board of five directors, which shall have the government and control of the penitentiary, branch prisons, and prison farm, subject to such regulations and requirements as may be prescribed by law. The term of office of the said directors shall commence on the first day of March, nineteen hundred and three, and hold as follows: Under the first appointment under this act, one director shall hold for one year, one for two years, one for three years, one for four years, and one for five years, and all succeeding appointments shall be for five years. If any vacancy occur in the board of directors during their term, it shall be filled by the governor for the unexpired term, by appointment, which shall be subject to ratification or rejection by the senate at the next session of the general assembly.

2. The said board shall appoint every four years a superintendent and surgeon for the penitentiary and a superintendent and surgeon for the State prison farm. The term of office of each of them shall commence on the second day of January, nineteen hundred and four, and continue four years, and afterwards until a successor shall be qualified according to law. Each of the aforesaid officers shall be allowed thirty days from the day of his appointment within which to qualify, and if he fail to qualify within said time, his office shall be deemed vacant. The said directors, superintendents, and surgeons shall be qualified to act as soon as they have taken the oath prescribed by law, and delivered a certificate thereof, or transcript, as directed by section one hundred and seventy-five of the Code of Virginia.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 176.—An ACT to amend and re-enact section 14 of an act approved February 25, 1892, entitled an act to incorporate the town of Colonial Beach, in the county of Westmoreland.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section fourteen of an act approved February twenty-five, eighteen hundred and ninety-two, entitled an act to incorporate the town of Colonial Beach, in the county of Westmoreland, be amended and re-enacted so as to read as follows:

§ 14. The mayor and councilmen shall hold their offices for two years, or until their successors are elected and qualified, and the qualified voters of the town shall elect a mayor and councilmen for said town on the fourth Thursday in May, anno domini eighteen hundred and ninety-four, and every two years thereafter. The qualification of electors for mayor and councilmen shall be as follows, and none other: All males of the age of twenty-one years being residents of Colonial Beach for three months next previous to any election for mayor and councilmen, and who are otherwise qualified to vote in any State election. When two or more persons are to be elected to the same office, the several persons of the number

required having the highest number of votes shall be declared elected. The town clerk shall act as registrar for all municipal elections, and none others, and keep open the registration books of the said town for such purposes until sundown of the day previous to such election in order to enable the qualified voters in the municipal elections to register. The town council shall appoint three judges of election for municipal elections in said town; and in all other respects, the manner of conducting the municipal election, and the canvassing of the vote and the returns to be made, shall conform to the general law of the State as to municipal elections.

And whenever at the time of the municipal election of mayor and councilmen provided for by this section, such of the qualified voters of the municipality of the said town of Colonial Beach, as constitute one-fourth of the persons voting at the preceding municipal election in the said town shall, at least thirty days prior to such municipal election, petition the mayor and council of said town, asking for the right to vote at said regular municipal election upon the question of granting or not granting a liquor license within the limits of said town; the said mayor, or council, within five days after the receipt of said petition, shall order the clerk of the said town council to post at every voting place in said town, and on the front door of the town hall a notice setting forth the fact that the said question of the granting or not granting of a license to sell liquor in the said town will be voted upon at the said regular municipal election; and if at the said regular municipal election a majority of the regularly qualified voters thereat shall cast ballots, having thereon the words "for license," then license to sell liquor shall be granted, subject to the general laws of the State, within the corporate limits of said town during the two years succeeding said election; but if a majority of the said qualified voters thereat shall cast ballots, having thereon the words "against license," then no license to sell liquor shall be granted during the two years succeeding said election: provided, however, that no person who is not entitled to vote at the said municipal election for the officers of said town shall vote on the question of license or no license, as above provided for: and provided further, that no voter who votes on the question of license or no license at any special election held for Washington magisterial district, of Westmoreland county, wherein the said town is situated, shall vote upon this question at any municipal election within said town, nor shall any person who has voted upon the question for Washington magisterial district, of Westmoreland county, vote upon the same question in the said town of Colonial Beach.

2. This act shall be in force from its passage.

CHAP. 177.—An ACT to amend and re-enact sub-section 7 of section 7 of chapter 6 of an act entitled “an act to consolidate in one act all acts creating and amending the charter of the city of Lynchburg, and to create a new charter for said city,” approved January 29, 1896, so as to provide for the acquisition and maintenance of a new water supply for said city.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That sub-section seven of section seven of chapter six of an act entitled an act to consolidate in one act all acts creating and amending the charter of the city of Lynchburg, and to create a new charter for said city, approved January twenty-ninth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 7. To establish or enlarge water works or gas works within or without said city; to contract with the owners of land for the use or purchase thereof, or to have the same condemned for the location or enlargement of said works, or the pipes and fixtures thereof, and to acquire by purchase or condemn such quantity of the water-shed lands adjacent to the intake or source of supply, as in the judgment of the said council may be necessary to insure a sufficient supply of water for said city, and to protect the same from pollution; to prevent the throwing of filth or offensive matter in James river within six miles of the city limits, and to protect said water supply, works, pipes, reservoirs, and fixtures, whether within or without the city, against injury and pollution, by appropriate ordinances and penalties, to be enforced, as are the other ordinances of said city.

2. This act shall be in force from its passage.

CHAP. 178.—An ACT extending the terms of the various officials of the several incorporated towns of this Commonwealth to conform to the Constitution.

Approved April 24, 1903.

1. Be it enacted by the general assembly of Virginia, That for the purpose of conforming to the Constitution of this Commonwealth, the terms of all officers elected by the qualified voters of each incorporated town in this Commonwealth, and of their successors now in office, which would terminate prior to the first day of September, nineteen hundred and three, except for this act, be, and they are hereby, continued and extended until September first, nineteen hundred and three, and thereafter until their successors shall have been elected and have qualified: provided, that the terms of office of all officers elected by the qualified voters of each incorporated town and of their successors now in office, which but for the provisions of this act would expire after September first, nineteen hundred and three, and prior to September first, nineteen hundred and four, be, and they are hereby, extended until the first day of September, nineteen hundred and four, and thereafter until their successors shall have been elected and have qualified: provided, that in any town where the term for which the officers of said town has already ter-

minated, and where said officers, at the time of the passage of this act, are continuing in office until their successors are elected and qualified, the term of said officers is extended until the first day of September next succeeding the time designated in the charter for the regular election of officers for any such town, and their successors shall be elected on the second Tuesday in June of such year.

2. Any vacancies that may occur in any such office, the term of which is continued and extended by this act, occurring during such continuation or extension, shall be filled in the manner now prescribed by law for filling such vacancies.

3. The successors to any such officials now in office shall be elected on the second Tuesday in June immediately prior to the termination of their terms of office and every two years thereafter, and their terms of office shall begin on the first day of September next succeeding their election, and shall continue thereafter for the period of two years.

4. All other officials of any town in this Commonwealth, whose term of office would expire on other dates, are hereby continued in office as provided in section one of this act, and thereafter until their successors are appointed and have qualified; and any vacancies occurring in any such appointive offices during the time of such continuation or extension shall be filled in the manner now prescribed by law.

5. Each and every official whose term of office is hereby extended shall possess all of the rights, powers, and privileges and be subject to all of the liabilities during such continuation or extension in office as at present provided by law.

6. Such portion, or portions, of any act of the general assembly of Virginia, creating the charter of any town of this Commonwealth, and any act, or acts amendatory thereto, as shall conflict with this act, are hereby repealed.

7. This act shall be in force from and after its passage.

CHAP. 179.—An ACT to allow county, city, and town treasurers further time to collect certain taxes and levies uncollected but accounted for by them.

Approved April 27, 1903.

Whereas, there are numerous county, city, and town treasurers holding tax tickets, for which they have accounted to the State, counties, cities, and towns for the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and nineteen hundred; therefore,

1. Be it enacted by the general assembly of Virginia, That the said treasurers be, and are hereby, allowed one year from the passage of this act in which to distrain, levy for, and collect any uncollected taxes and levies for the said years of eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and nineteen hundred, in their hands, not returned delinquent or insolvent, and for which they have accounted to the

State, counties, cities, and towns: provided, that such levy or distress shall be made only on property owned at the time of such levy or distress by the person against whom such taxes and levies were assessed.

2. This act shall be in force from its passage.

CHAP. 180.—An ACT authorizing the assignment of life insurance policies.

Approved April 27, 1903.

1. Be it enacted by the general assembly of Virginia, That a policy of insurance on life, taken out by the insured himself, or by a person having an insurable interest in his life, in good faith, and not for the mere purpose of assignment, may be lawfully assigned to any one, for a valuable consideration, as any other chose in action, without regard to whether the assignee has an insurable interest in the life insured or not, and the assignee may recover upon it whatever the insured may have recovered but for such assignment.

2. This act shall be in force from its passage.

CHAP. 181.—An ACT to provide for the extension, through the State Corporation Commission, of charters of corporations which have complied with the provisions of the ordinance adopted by the Constitutional Convention on the 26th day of June, 1902.

Approved April 27, 1903.

1. Be it enacted by the general assembly of Virginia, That all corporations heretofore chartered by special acts of the general assembly of this State, whose charters would have expired before the first day of May, nineteen hundred and three, and which have procured an extension of their charters until the first day of May, nineteen hundred and three, by complying with the provisions of an ordinance adopted by the late Constitutional Convention of Virginia on the twenty-sixth day of June, nineteen hundred and two, may have their charters extended for a further period of six months by complying with the provisions of this act.

2. Any such corporation may, before the first day of May, nineteen hundred and three, present to the State Corporation Commission an application, to be signed and sworn to by its president, setting forth the date of its incorporation, the extent of work done under its charter, the provision in its charter by reason of which the charter would have expired or been forfeited before the first day of May, nineteen hundred and three, when and in what manner it had availed itself of the provisions of the said ordinance of the late Constitutional Convention of Virginia, and that it had paid into the treasury of the State the additional charter fee prescribed in said ordinance and the amount thereof. The State Corporation Commission shall thereupon issue an order, a copy of which shall be endorsed on, or attached to, said application, extending the charter of such corporation and all its provisions and privileges for a period of six

months from the expiration of the thirtieth day of April, nineteen hundred and three, and said charter shall thereupon stand and be extended for said period of six months. The State Corporation Commission shall deliver to said corporation a duly certified copy of said application and order, and said corporation shall pay into said State Corporation Commission the sum of twenty-five dollars, which said corporation commission shall pay into the treasury of the State in the manner provided by law. The original application and the order endorsed thereon, or attached thereto, shall be delivered by the clerk of the State Corporation Commission to the secretary of the Commonwealth, who shall file and record the same in his office.

3. This act shall take effect from its passage.

CHAP. 182.—An ACT to amend and re-enact section 3049 of the Code of Virginia, as amended and re-enacted by an act approved March 5, 1894, entitled an act to amend and re-enact section 3049 of the Code of Virginia, providing when a judge of a county or corporation court fails to hold same what judge may do so; when governor to designate judge to do so; his pay and mileage.

Approved April 27, 1903.

1. Be it enacted by the general assembly of Virginia, That section three thousand and forty-nine of the Code of Virginia, as amended and re-enacted by an act approved March fifth, eighteen hundred and ninety-four, entitled an act to amend and re-enact section three thousand and forty-nine of the Code of Virginia, providing when judge of a county or corporation court fails to hold same, what judge may do so; when governor to designate judge to do so; his pay and mileage, be amended and re-enacted so as to read as follows:

§ 3049. When the judge of a county, or circuit court, or any court of a city, fails or is unable to hold the same, what judge may do so; when governor may designate a judge to do so, or may fill a vacancy; compensation.—If a judge of a county, circuit court, or a court of a city, be unable or fail to attend a regular term of his court, or be prevented by sickness from sitting during the whole term, or any part thereof, the fact shall be certified by the judge, the clerk of the court, or the Commonwealth's attorney of said county or city to the governor, who shall designate a county judge to hold said court, if it be a county court, or a judge of a circuit court, or court of a city, if it be a circuit court or court of a city. If any judge so designated shall be prevented by the duties of his own court or by sickness from holding said term or all of the part thereof for which he was designated, he shall so inform the governor, who shall designate another judge of a court of similar jurisdiction to hold said court for the said term, or for so much of the remainder of said term as the judge first designated cannot hold. And if the judge of any county, or circuit court, or court of a city, shall be so situated as to render it improper, in his judgment, for him to decide any case or proceeding, or preside at any trial, civil or criminal, he shall so enter of record, and the clerk of said court shall at once certify the same to the governor, who

shall designate a judge of a county court to decide such case or preside at such trial, if it be in a county court, or a judge of a circuit court, or court of a city, if the case or proceeding be in a circuit court or court of a city. When a vacancy, either by death or resignation, shall occur in the office of judge of a county, or circuit court, or court of a city, the clerk of such court shall certify the fact to the governor, who is hereby authorized, instead of appointing at once a successor, as prescribed by the Constitution, to designate a judge of any other county court to hold the then or next regular term of the county court in which such vacancy exists, and to designate a judge of any other circuit court, or court of a city, to hold the then or next regular term of the circuit court, or court of a city, in which such vacancy exists. For any service rendered under any designation authorized by this section the judge shall receive the mileage provided by law and ten dollars per day for the time he is actually engaged in holding court, if he shall preside over a county court, or a circuit court of a county, and mileage and ten dollars per day if he shall preside over a court in a city; such mileage and compensation to be paid out of the treasury of the county or city in which said court is held. Any judge of a circuit court, or court of a city, may hold court without compensation for the judge of another circuit, or city court, at his request.

2. This act shall be in force from its passage.

CHAP. 183.—An ACT to amend section 16 of an act entitled an act for working the roads of Loudoun county, approved February 16, 1880, so as to authorize the boards of commissioners of roads of Loudoun county to increase the road levy to an amount not to exceed forty cents on the dollar of the amount of State tax and a like percentage on licenses.

Approved April 27, 1903.

Be it enacted by the general assembly of Virginia, That section sixteen of an act entitled an act for working the roads of the county of Loudoun, approved February sixteenth, eighteen hundred and eighty, so as to authorize the boards of commissioners of roads of Loudoun county to increase the road levy to an amount not to exceed forty cents on the dollar of the amount of State tax, and a like percentage of license, be amended and re-enacted so as to read as follows:

§ 16. That the boards of commissioners of roads for their respective districts shall annually, in the month of July of each year, lay a road tax, not exceeding forty cents on the dollar, of the amount of State revenue and a like percentage on licenses within the district, as adjusted for the State and county tax, and shall certify the amount necessary to be raised to the commissioner of revenue, and he shall extend the taxes against all property and persons in the district levied for road purposes, a copy of which shall be returned to the clerk's office of the county court, and from the said copy so returned the sheriff shall make out his book for the collection of said tax.

CHAP. 184.—An ACT to provide for holding elections in towns for the purpose of deciding upon the question of bond issue.

Approved April 27, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever any town in this Commonwealth shall desire, prior to the first day of March, nineteen hundred and four, to issue any bonds of said town under the powers granted by its charter, it shall present, in term time or in vacation, to the judge of the county court of the county in which the town or the greater part thereof is situated, a duly authenticated copy of the resolution of the council of said town, or of its board of trustees, setting forth such desire, the amount of such issue, the length of time for which they are to run, the interest to be paid thereon, and the purposes for which the money realized therefrom is to be used, and also requesting such judge to order an election for the purpose of submitting to the registered voters of said town the question of whether or not such issue shall be made. If any such town shall so desire, after the first day of March, nineteen hundred and four, it shall present, in term time or in vacation, a copy of such resolution to the judge of the circuit court of the county in which such town, or the greater part thereof, is situated.

2. Upon receipt of any such resolution, it shall be the duty of the judge receiving the same to order an election to be had in said town for the purpose of submitting to the registered voters thereof the question of whether or not such issue of bonds shall be had. He shall order such election to be had on a day not earlier than thirty days from the entry of said order. He shall require that the chief executive officer of said town, or some person designated by him, shall post, at four places to be designated by said judge, a notice of the day of such election, the object of the same, and the voting place or places at which votes will be received.

3. He shall, before the day of such election, designate the officers who shall conduct the same, naming the three judges of election and two clerks. The duties and liabilities of said officers shall be as prescribed in chapter forty-four of the Code of Virginia, except as modified by the requirements of this act. The said officers shall be registered voters of said town.

4. Unless there shall already exist a list of the registered voters of said town for use at the general elections held therein, the clerk of the county court of the county in which said town or the greater part thereof lies, shall, ten days before the date fixed for said election, prepare and turn over to one of the judges appointed for such election a list of all persons who may then be registered voters in said town under the provisions of the present Constitution of this State, and who shall, at the time, reside within the corporate limits of said town.

5. Upon the receipt by said judge of election of such list he shall have prepared and posted in three prominent places in said town, to be determined by the chief executive officer of said town, three copies of such list. Any person whose name shall be wrongfully omitted from such list shall have the right to appeal before said judge to have his name placed thereon. Such application shall be made under such terms and in such

manner as the judge shall determine. No person shall vote at said election unless his name shall appear on said list, and shall otherwise be entitled to vote in said town.

6. The town council, or board of trustees of said town, shall, prior to said date of election, have printed, at the expense of said town, proper ballots to be voted at said election, upon which shall be stated the date of election and the amount of bond issue, and shall also have printed thereon, in separate lines, the words "for bond issue" and the words "against bond issue." All persons voting at said election shall erase one or the other set of said words, and the words remaining shall be counted as expressing the choice and vote of the person casting the ballot. Such ballots shall be delivered to one of the judges of election the day preceding the day of election for use at said election. No other ballots shall be used at said election. The polls for such election shall be opened at sunrise and shall close at sunset. After the close of the polls, the judges shall count and canvass said ballots, and make a proper return and certificate of the number of votes cast, and of the number cast, respectively, for and against such issue. The said ballots and said certificate shall be forwarded by said judges to the clerk of the court recording such election, who shall, on the day succeeding said election, open the same and declare the result of said election, and make report to the judge of the said court of the result of such election. He shall also retain in his office the said ballots and said certificate.

7. If a majority of the ballots cast upon the question so submitted shall be in favor of such bond issue, the town may issue the same.

8. The judge may, if he shall deem it expedient, order such election to be had upon the day on which some general election may be held, and authorize the officers holding said general election to hold the election herein provided for, requiring that proper ballots and ballot-boxes and certificates of return shall be provided for the same by said town.

9. Nothing contained in this act shall be construed as modifying any provision in any charter relative to the manner and purpose of issuing bonds.

CHAP. 185.—An ACT to amend and re-enact section 9 of an act approved February 28, 1896, entitled "an act to provide a new charter for the city of Roanoke," so as to consolidate the offices of city clerk and city auditor, and to prescribe the duties of the city clerk.

Approved April 27, 1903.

1. Be it enacted by the general assembly of Virginia, That section nine of an act approved February twenty-eight, eighteen hundred and ninety-six, entitled "an act to provide a new charter for the city of Roanoke," be, and is hereby, amended and re-enacted so as to read as follows:

§ 9. The council shall elect a city engineer, a city clerk, a police justice, a collector of city taxes, a city solicitor, and a clerk of the markets, all of whom shall hold office for two years; and the council shall elect such other officers as it may deem expedient for the proper conduct of the

affairs of the city, and in the execution of the powers hereinafter conferred upon it, and prescribe their duties and term of office; and any office which the council has the power to create it may, at any time for good cause, abolish, whether the term of office of the incumbent has expired or not.

2. Be it further enacted, That the office of auditor of the city of Roanoke be, and the same is hereby, abolished, and the duties prescribed for the auditor as set forth in sections seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, and seventy-seven of the charter of the city of Roanoke, granted by an act approved February twenty-eight, eighteen hundred and ninety-six, entitled "an act to provide a new charter for the city of Roanoke," are hereby made to devolve upon the city clerk; and wherever the auditor of the city of Roanoke is required to perform any duty under the provisions of the charter aforesaid, or any ordinance or resolution of the council of said city, that duty shall be performed by the city clerk, except, however, that the clerk shall not countersign the warrants of the city to be issued under the direction of the council, such countersigning to be done by such officer as the council shall designate by ordinance.

3. The council shall, by ordinance, define the duties of the city clerk, fix his salary, and prescribe the amount of bond to be given by him.

4. This act shall be in force from its passage.

CHAP. 186.—An ACT to prevent the sale or gift of toy firearms to persons under twelve years of age, and to provide a penalty therefor.

Approved April 30, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, corporation, or association, to sell, barter, exchange, furnish, or dispose of by purchase, gift, or in any other manner, any toy gun, pistol, rifle, or other toy firearm, if the same shall, by means of powder or other explosives discharge blank or ball charges, to any person under the age of twelve years. Any firm, corporation, or association violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars, or confined in jail for a period not less than thirty nor more than ninety days, either or both.

2. Each sale of any of the articles hereinbefore specified to any person under the age mentioned shall constitute a separate offense, and any person over the age of twelve years who shall purchase, accept, or in any manner acquire any of the toy articles of the kind hereinbefore enumerated for any person under the age of twelve years, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than two hundred dollars, or confined in jail for a period not less than thirty days nor more than six months, either or both.

2. This act shall be in force from its passage.

CHAP. 187.—An ACT to protect persons, firms, corporations, associations, or unions of workmen in the use of their labels, trade marks, terms, designs, devices, and forms of advertisements, and to provide for the registry thereof.

Approved April 30, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever any person, firm, corporation, or any association or union of workmen has heretofore adopted or used, or shall hereafter adopt or use, any label, trade mark, term, design, device, or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person, firm or corporation, or association or union of workmen, by a member or members of such association or union, and has filed the same for registry as hereinafter provided, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

2. Whoever counterfeits or imitates any such registered label, trade mark, term, design, device, or form of advertisement, or knowingly and with intent to deceive, sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such registered label, trade mark, term, design, device, or form of advertisement, or knowingly and with intent to deceive, keeps or has in his possession, with the intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor to which, or on which, any such counterfeit or imitation is printed, painted, stamped or impressed, or knowingly and with intent to deceive, knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can, or package to which, or on which, any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or knowingly and with intent to deceive, keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor in any box, case, can, or package to which, or on which, any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months. All such applications for registry shall be made on forms prescribed by the secretary of the Commonwealth, and any person applying to the secretary of the Commonwealth for a certificate of registry of any label, trade mark, term, design, device or form of advertisement, shall furnish to the said secretary a copy, fac-simile, or counterpart thereof.

3. Every such person, firm, corporation, association or union that has heretofore adopted or used, or shall hereafter adopt or use a label, trade mark, term, design, device, or form of advertisement, as provided in section one of this act, may file the same for registry in the office of the secretary of the Commonwealth by leaving six copies, counterparts, or fac-similes thereof with the said secretary, and by filing herewith a sworn application, specifying (1) the name or names of the person, firm, corpora-

tion, association or union, on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; (2), the class of merchandise and the description of the goods to which it has been, or is intended to be appropriated, stating that the party so filing, or on whose behalf such label, trade mark, term, design, device, or form of advertisement shall be filed, has a right to use the same; (3), that no other person, firm, association, union, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and (4), that the fac-simile or counter-parts filed therewith are true and correct. There shall be paid for such filing and registry to the secretary of the Commonwealth a fee of two dollars and fifty cents. Said secretary shall deliver to such person, firm, corporation, association, or union so filing, or causing to be filed, any such label, trade mark, term, design, device or form of advertisement, so many duly attested certificates of the registry of the same as such person, firm, corporation, association, or union may apply for, for each of which certificates said secretary shall receive a fee of two dollars and fifty cents. Any such certificate of registry shall in all suits and prosecutions under this act be sufficient proof of the adoption and registry of such label, trade mark, term, design, device, or form of advertisement. Said secretary of the Commonwealth shall not record for any person, firm, corporation, union, or association any label, trade mark, term, design, device, or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device, or form of advertisement heretofore filed by or on behalf of any other person, firm, corporation, union or association.

4. Any person who shall for himself, or on behalf of any other person, firm, corporation, association, or union, procure the filing and registry of any label, trade mark, term, design, or form of advertisement in the office of the secretary of the Commonwealth, under the provisions of this act, by making any false or fraudulent representations or declaration, verbally, or in writing, or by any fraudulent means, shall be liable to pay any damages, sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

5. Every such person, firm, corporation, association, or union which has adopted and registered a label, trade mark, term, design, device, or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display, or sale, as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such person, firm, corporation, association, or union, all profits derived from such wrongful manufacture, use, display, or sale; and such court shall also order that any such counterfeits or imitations in the possession, or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant, to be destroyed.

6. Every person who shall use or display the genuine registered label, trade mark, term, design, device, or form of advertisement, of any such person, firm, corporation, association, or union in any manner, not

being authorized so to do by such person, firm, corporation, union, or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred dollars. In all cases where such association, or union, is not incorporated, suits under this act may be commenced and prosecuted by an officer, or member of association or union, on behalf of, and for the use of such association or union.

7. Any person, or persons, who shall in any way use the name or seal of any such person, firm, corporation, association, or union, or officer thereof, in and about the sale of goods, or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

8. This act shall take effect and be in force from and after its passage.

CHAP. 188.—An ACT appropriating the sum of \$200,000 to the Jamestown Exposition Company.

Approved April 30, 1903.

Whereas, the Jamestown Exposition Company has been duly organized under the authority of an act of the general assembly of Virginia, approved March tenth, nineteen hundred and two, which company is preparing to establish and conduct an exposition of great magnitude that will both commemorate the unequalled importance to this Commonwealth and to the United States of America, of the first Anglo-Saxon settlement in the western hemisphere, at Jamestown, and will also serve to advertise to the commercial and business interests of the world the vast natural gifts and resources which exist to a great extent undeveloped within this Commonwealth; and,

Whereas, it is proper, advisable, and expedient that such an exposition, by reason of both its historic purposes and its natural advantages, should receive both the moral and financial support and endorsement of the State of Virginia; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of two hundred thousand dollars be, and the same is hereby, appropriated out of any funds now, or hereafter, in the treasury of this State, not heretofore otherwise appropriated.

The appropriation hereby made shall be paid to the treasurer of the Jamestown Exposition Company, by the treasurer of the Commonwealth, upon the warrants of the auditor of public accounts, as follows: the sum of fifty thousand dollars shall be paid to said company on or after the first day of March, nineteen hundred and four, and within two years from the expiration of this present session of the general assembly: provided, that before the payment of said sum of fifty thousand dollars shall be made there shall have been paid into the treasury of said exposition company in actual cash, the sum of two hundred and fifty thousand dollars on account of subscriptions to the capital stock of said company, and the

remaining portion of said appropriation, to-wit: one hundred and fifty thousand, shall be paid on or after March first, nineteen hundred and five, and within two years from the expiration of this present session of the general assembly: provided, that before said sum of one hundred and fifty thousand dollars shall be paid to said company, there shall have been paid into the treasury of said company in actual cash the sum of two hundred and fifty thousand dollars additional, making five hundred thousand dollars in all, on account of subscriptions to the capital stock of such company. Before the auditor of public accounts shall draw or deliver any warrant to the said company for any money hereby appropriated, there shall be filed in his office a certified copy of a resolution of the executive committee of the Jamestown Exposition Company, and the affidavits of the president, secretary, and treasurer, certifying that the respective sums herein required to be paid have been duly paid as herein prescribed: provided, further, that if from any cause the exposition is not held or is abandoned, then so much of said appropriation as shall have been received by said Jamestown Exposition Company shall be refunded into the treasury of the State: and provided, further, that the acceptance of any portion of this appropriation shall constitute a contract with said company to return any portion of said appropriation so received, and shall impose upon said company a liability to the State for the refunding into the State treasury of any such money so received, if such exposition is not held, or is abandoned.

CHAP. 189.—An ACT to provide a charter for the town of Warrenton, Virginia.

Approved April 30, 1903.

1. Be it enacted by the general assembly of Virginia, That the territory in Fauquier county contained within the following boundaries, according to a transit survey made upon the true meridian, to-wit:

Beginning at a large stone planted in Gaines' field, eighty-five and eighty hundredths feet from a large poplar tree corner of the previous corporate limits; thence south thirty degrees and thirty four minutes west, seven hundred and three and thirty-two hundredths feet to a stone set ten feet north of the west end of Gaines' stable; thence south thirteen degrees and fifty minutes west, three thousand six hundred and fifty-eight and seventy hundredths feet to a stone set at the northwest corner of Miss Lomax's garden; thence south fifty degrees and twenty-two minutes east, four hundred and fifty-nine and ten hundredths feet to a slab on the south side of Culpeper street; thence crossing James K. Madux's south seventy degrees and forty minutes east, one thousand five hundred and thirty-one and seventy hundredths feet to a stone set near the corner of Judge C. M. White's and the Warrenton horse show grounds in Doctor J. R. Hick's line; thence north eighty-two degrees and thirteen minutes east, two thousand seven hundred and sixty-eight and sixty hundredths feet to a stone set in Joseph A. Jeffries' line near Mis-

treass Hodgkin's corner; thence crossing Doctor J. O. Hodgkin's and T. N. Fletcher's lots, north three degrees and thirty-four minutes east, one thousand six hundred and fifty-one and sixty hundredths feet to a point near a large poplar tree in F. A. B. Portman's field; thence north twenty-seven degrees and twenty-three minutes west, two thousand five hundred and fifteen and seventy hundredths feet to a stone set at the intersection of a plank and wire fence in Horner's line, near Henry Yancey's house; thence north seventy-two degrees and forty-three minutes west, two thousand three hundred and sixty-one and ninety hundredths feet to the beginning, shall constitute the town of Warrenton.

2. The municipal officers of said town shall be a mayor, recorder (or clerk of the council), a treasurer, a commissioner of the revenue, a town sergeant, and seven councilmen, all of whom shall be residents and qualified voters of said town, except the town sergeant, in the discretion of the council, may not be. The council of the said town shall have power to elect or appoint any other officers they may deem necessary and to define their powers. The same person may, in the discretion of the council, be elected or appointed to and hold, at the same time, more than one of the offices to be filled by election or appointment by the said council.

3. The mayor, recorder, and councilmen of the town of Warrenton, as now constituted, and as they shall be elected and qualified as hereinafter provided, shall be a body politic and corporate, by the name of the town of Warrenton, and shall have perpetual succession and a common seal, and by the name of the town of Warrenton may sue and be sued, implead and be impleaded, contract and be contracted with, purchase and hold real estate, and sell and convey the same needful for the public good, and may exercise, retain, and enjoy all the rights, immunities, powers, exemptions, and privileges, and be subject to all the duties, obligations, and liabilities now vested in, incumbent upon, or pertaining to said town as a municipal corporation.

4. In all elections for mayor, recorder, and councilmen of said town, all persons who may be, by the laws of this State, entitled to vote for members of the general assembly, and who shall have resided in this State two years, in the county of Fauquier one year, and in the said town for ninety days next preceding the day of election then to be held, shall be entitled to vote; but before being entitled so to vote, they shall register before the registrar of the said town.

5. The mayor, recorder, and councilmen shall be elected by the qualified voters of said town.

6. The mayor, recorder, and councilmen in office in said town at the time of the passage of this act shall be continued in office until the expiration of the terms for which they were elected, until their successors are duly elected or appointed and qualified according to law.

7. The first election under this act shall be held on the second Tuesday in June, nineteen hundred and three, at such place in said town as shall be designated by the council of the town; and biennially thereafter there shall be held an election of a mayor, recorder, and seven councilmen of the said town on the second Tuesday in June, at such place and under such rules and regulations and subject to such provisions as the

council may prescribe. Notice of the time and place of the holding of election under this act shall be published at least ten days before the holding of such election by the posting by the town sergeant of printed handbills in at least five public places in said town. The mayor, recorder, and councilmen under this act shall qualify on or before the first day of September next succeeding their election.

8. The term of office of the mayor, recorder, and councilmen to be elected, as provided for in the preceding section of this act, shall be for two years from the first day of September next succeeding their election, and until their successors have been duly elected and qualified.

9. All vacancies occurring from any cause in the offices of the mayor, recorder, and councilmen shall be filled for the unexpired term by the council.

10. It shall be the duty of the mayor, as soon as may be after an election, to call a meeting of the council to examine the returns, and the council shall forthwith notify the persons elected of their election.

11. In case it is impossible to determine the candidate who has received the highest number of votes by reason of a tie, the council shall, by lot, determine the matter, and not more than two persons selected by each candidate affected by said lot shall be present.

12. The manner of conducting elections under this act shall, so far as the same is not in conflict herewith, be the same as prescribed by the general election laws of the State.

13. The mayor, recorder, and seven councilmen shall, after being notified of their election to their respective offices, each take and subscribe an oath before any person authorized by law to administer an oath that they will truly, faithfully, and impartially discharge the duties of their said office so long as they shall continue therein, and said oaths of office so subscribed shall be returned to the recorder and by him inscribed in his minute book. And if any of the officers named in this section shall fail to qualify on or before the first day of September next succeeding his election, his office shall be deemed vacant; and whenever as many as five members of the council (of whom the mayor shall be counted one) shall have qualified by taking the oath of office as aforesaid, they shall enter upon the duties of their said offices, and shall supersede the former council of said town.

14. The salaries of the mayor and recorder of the town, as now constituted or hereafter elected, if any be allowed by the town council, shall be fixed by the council, payable at stated periods; and no regulation diminishing such compensation, after it has once been fixed, shall be made to take effect until after the expiration of the terms for which the mayor and recorder then in office shall have been elected. The salaries of the mayor and recorder, when fixed, shall so continue until changed by the town council.

15. After the first day of September, nineteen hundred and three, the town council may prescribe what compensation, if any, shall be paid to members of the council.

16. The mayor shall preside over the deliberations of the council, and be entitled to one vote in case of a tie. He shall have jurisdiction to

try all violations of the town ordinances, and inflict such punishment and impose such fines as may be prescribed for a violation of the same. The mayor shall be entitled to the like fees of a justice of the peace in civil and criminal cases. He shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority in civil and criminal cases arising in said town, or within one mile of the corporate limits thereof, of a justice of the peace of Fauquier county in addition to the powers given him by this act. He shall have the power to appoint and swear in special policemen for any occasion when, in his judgment, it is expedient for the peace and good government of the territory under the criminal jurisdiction of said town, and at such compensation as may be fixed by the council.

17. It shall be the duty of the mayor to communicate to the council annually, or as often as he shall deem it expedient, or be required so to do by said council, a general statement of the situation and condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

18. The mayor shall exercise a constant supervision over the conduct of all subordinate officers; have power and authority to investigate their acts; have access to all books and documents in their offices, and may examine such officers and their subordinates on oath. He shall also have power to suspend all officers elected or appointed by the council until the next regular meeting of the council, but such suspension shall, in all cases, be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of the suspension of any such officer, the mayor shall appoint some other person in his place to hold said office and perform the duties thereof until the next regular meeting of the council; and at such meeting the mayor shall report his suspension of the officer suspended, together with his reasons for suspension.

19. In case of the absence or inability of the mayor, the recorder of the town shall possess the same power and discharge the municipal duties of the mayor during such absence or inability: provided, that he shall have but one vote upon any matter before the council for determination.

20. In case a vacancy shall occur in the office of mayor or recorder, the council shall elect a qualified person to fill such vacancy for the unexpired term.

21. In case of any vacancy happening in the council by death, resignation, removal, or otherwise, the council shall elect a qualified person to fill the vacancy for the unexpired term.

22. The mayor, or in his absence or inability, the recorder, shall have power to call a meeting of the council whenever he deems it necessary, and in case of the absence of both the mayor and recorder, or their absence, inability or refusal, the council may be convened by the order of any four members thereof.

23. The council shall fix the time for their stated regular meetings, and no business shall be transacted at a special meeting but that for which it shall be called.

24. The council shall have authority to compel the attendance of absent members; to punish its members for disorderly conduct, and by a vote

of a majority of the whole council to expel a member for malfeasance in office or for voluntarily absenting himself from the meetings of the council. The recorder shall record the proceedings of the council at large on a record book, and keep the same properly indexed. The meetings of the council shall be open, except when in the discretion of said council the public welfare shall require secrecy.

25. Five members of the council (of whom, for the purpose of constituting a quorum, the mayor may be counted as one) shall constitute a quorum for the transaction of business; but no ordinance shall be passed, nor resolution adopted, having for its object the appropriation of money, except by the concurrence of a majority of those present. Upon the demand of any member of the council, upon the passage of any ordinance or resolution, the "yeas" and "nays" shall be taken and entered on the record. No vote or question decided at a stated or regular meeting shall be considered or rescinded at a special meeting unless there be at least six councilmen present, and five of them shall concur.

26. The town council, as now constituted, or hereafter elected, shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of property, real and personal, belonging to said town, and make such ordinances, orders and by-laws, relating to the same, as they shall deem proper and necessary; they shall likewise have power to make such ordinances, orders, by-laws, and regulations as they shall deem necessary and proper to carry out the powers which are hereby vested in them.

First. To establish, enlarge, and operate a system of sewerage, water works, gas works, and electric light works within or without the limits of the town; to contract or agree with the owners of any land for the use and purchase thereof, or to have the same condemned according to law, within or without the town, for the location, extension, or enlargement of their said works, the pipes or wire connected therewith, or any other appurtenances or fixtures thereof, and shall have power to protect from injury, by ordinance prescribing adequate penalties, the works, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of said town.

Second. To close or extend, widen or narrow, straighten, lay out, graduate, curb, and pave, and otherwise improve the streets, sidewalks, and public alleys in the town, and have them kept in good order and properly lighted, and to require the payment by the property owners benefited by such works or improvements of such portion of the cost thereof as the council may deem right and proper, and to make such sum a lien upon their real estate, and collectible in the same manner, as is herein provided for the collection of taxes generally. And over any street or alley in the town which has been, or may be, ceded to the town, conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under, or in any street, sidewalk, or alley in said town; and may permit shade trees to be planted along said streets; but no company, firm, or individual shall occupy, with its or his works or appur-

tenances thereof, the streets, sidewalks, or alleys of the town without the consent of the council duly entered of record; and whenever, in the construction of any sewer or conduit, or other public improvement, it is necessary that the same should pass through or under private property, the said council shall have authority to contract and agree with the owners thereof for the use and purchase of the right of way or other easement in, through, or under the same, or have the same condemned according to law. The said council shall have power to authorize the laying down of railway tracks, and the running of cars thereon in the town, by electricity or other motive power, under such regulations as the council may prescribe.

Third. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever, and to have full and complete control of the same.

Fourth. To determine and designate the route and grade of any railroad to be laid in said town, and to restrain and regulate the speed of bicycles, traction engines, locomotives, engines, cars, and other vehicles within said town, and may wholly exclude such engines and cars if they please: provided, that no contract be thereby violated.

Fifth. To secure the inhabitants of said town from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals, and to prescribe quarantine regulations; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said town, prescribe its duties, invest said board with police authority, and with full power for the prompt and efficient performance of its duties.

Sixth. To require and compel the abatement and removal of all nuisances within said town at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same may be; to require and compel the owners of houses in the town, or if the owners be unknown or absent, the occupants of such houses, to connect their water closets and water drains with the sewer of the town; or otherwise comply with such regulations as to sewerage and nuisances as the council may prescribe; and upon their failure so to do, the same may be done by the town, by entering upon the premises, if necessary, and the cost of attending the same shall be collected from the owners or occupants of such houses, as taxes are herein in this charter allowed to be collected by the town.

Seventh. If any ground in said town shall be subject to be covered with stagnant water, or if the owners or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate therein or thereon, the council may cause such grounds to be filled up, raised, or drained, or may cause such substance to be covered, or to be removed therefrom, and may collect the expenses of so doing from the said owners or owner, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected: provided, that reasonable notice shall first be given to said owners or their agents. In case of non-resident owners, who have no agents in said town, such notice may be given by

publication for not less than four weeks in any newspaper printed in said town.

Eighth. To direct the location of all buildings for storing gunpowder, fire-crackers, or other fireworks manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate the exhibition of fireworks, the discharge of fire-arms, the use of candles and lights in barns, stables, or other buildings, and to regulate or restrain the making of bonfires in streets and yards.

Ninth. To prevent horses, cattle, hogs, dogs, and all other animals from running at large in said town, and may subject the same to such confiscation, regulations, and taxes as they may deem proper; and the council may prohibit the raising and keeping of hogs in the town, or in any part thereof.

Tenth. To prevent the riding and driving of horses or animals at an improper speed, throwing stones, or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous to, or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town.

Eleventh. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality, obscenity, and profanity; to preserve peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct.

Twelfth. To prevent, forbid, and punish the selling of liquor and intoxicating drinks in any place not duly licensed, and the selling or giving any intoxicating liquor to any child or minor, and the selling or giving of cigarettes to any minor under sixteen years of age, without the consent in writing of his or her parent or guardian; to regulate the manner and prescribe the time of the sale of liquor or intoxicating drinks, by retail or wholesale, by any person duly licensed; and for any violation of any such ordinance or ordinances there may be imposed such fines and penalties as the council may prescribe.

Thirteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town, and for those may require any railroad company, or stage company, or any person or persons bringing such persons to said town to enter into bond, with satisfactory security, that said person shall not become chargeable to the town for the period of one year thereafter, or may require or compel said company or persons to take them back from whence they brought them, and compel said persons to leave town: provided, that such order to leave be issued within sixty days after their arrival.

Fourteenth. To designate such portions and parts of the town as they may deem proper within which no buildings of wood shall be erected; to prohibit the erection of wooden buildings in any portion of the town without their permission; to regulate and control the erection of all buildings, and to provide for the removal of any such building or addition which shall be erected contrary to such regulations or prohibition at the expense

of the builder or owner thereof, and if any such building shall have been commenced, or if any building in progress of erection appears clearly to be unsafe, the council may cause such building to be taken down.

Fifteenth. In addition to the special powers hereinbefore specifically delegated to the town council, all general powers, not in conflict with the laws of this State, or of the United States, necessary for the proper and sufficient government of said town, and which are, by law, allowed to municipal corporations, are hereby likewise delegated to, and invested in, the said council of the town of Warrenton.

27. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars, for violation thereof, and may provide that the offender, on failing to pay the penalty prescribed, shall be imprisoned in the jail of Fauquier county for any term not exceeding twelve months, or by both. The penalty prescribed may be prosecuted and recovered with costs in the name of the town of Warrenton; and it may be further required that the offender, failing to pay his fine and costs, may be compelled to work on the chain gang of the town until his fine and cost be paid, provided by the laws of this State.

28. No ordinance hereafter passed, after the first day of July, nineteen hundred and three, by the said council, as now constituted or as hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published as the council may order; and all laws regulating any ordinances of said council, certified by the recorder, may be read in evidence in all courts of justice, and all proceedings before any officer, body, or board, in which it shall be necessary to refer thereto; but after the expiration of six months from the date of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same; but this section shall not apply to the ordinances of whatever kind now in force in the town of Warrenton.

29. In every case where a street of said town has been, or shall be encroached upon by any fence, building, porch, projection, or otherwise, it shall be the duty of the council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same, and if such removal be not made within the time prescribed by the council, they may impose a penalty of not exceeding five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. No encroachment upon any street of the said town, however long the same shall have been or may be continued, shall constitute an adverse possession to, or confer any right upon the person claiming thereunder or against the said town.

30. Whenever any street, alley, or lane in said town shall be opened to and used as such by the public for the period of five years, unless notice of the contrary intention on the part of the land owner be given to the mayor of the town, the same shall thereby become a street, alley, or lane for public purposes, if the council so elect, and the council shall have

the same authority and jurisdiction over and rights and interests therein as they have by law over the other streets, alleys, and lanes laid out by them; and any street or alley reserved in the divisions or subdivisions into lots or any portion of the territory within the corporate limits of said town by a plat or plan of record shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is dedicated for private use; but upon a petition of a majority of the persons interested therein the council shall have the power to open the same for the use of the public.

31. The council shall grant and pay to all town officers elected under or appointed in pursuance of this act such salaries or compensation as the council may, from time to time, deem just and proper.

32. If any person, having been an officer of said town, shall not within ten days after his term expires, or he shall have been vacated or removed from office, and upon notification and request of the mayor within such time thereafter as the council may allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office, in his possession or under his control, he and his sureties shall forfeit and pay to the town the sum of five hundred dollars, to be sued for and recovered with costs; and all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

33. The town council may take from any officer, elected or appointed by them, a bond, with sureties to be approved by the council in such penalty as they may deem proper, payable to the town by its corporate name, with condition for the faithful discharge of the duties of such officer. All officers elected or appointed by the council may be removed from office at the pleasure of the council. All bonds of officers elected by the people, or elected or appointed by the council under this charter, shall be filed with and kept by the recorder.

34. There shall be elected by the council, at its first meeting in the month of July, nineteen hundred and three, or as soon thereafter as practicable, one town treasurer, who shall hold his office during the pleasure of the council.

He shall qualify and give bond before the council, with surety approved by it in a penalty to be determined by the council. Any vacancy in this office shall be filled by the council.

35. The said town treasurer shall collect and receive all money belonging to the town, and he shall perform such other duties as are prescribed by the council. He shall keep his office in some convenient place in the town. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor, recorder, or any member of the town council, or any committee or committees of the council. He shall receive for his services such compensation as the town council may, from time to time, allow.

36. No money shall be paid out by the town treasurer except by order

of the council, and upon a warrant of the recorder of the council, countersigned by the mayor; and said town treasurer shall keep a separate account of each fund or appropriation and the debits or credits belonging thereto.

37. The town treasurer shall report to the town council or a committee thereof, as often as required, a full and detailed account of all receipts and expenditures during the month, and the state of the treasury. He shall also keep a register of all warrants, their dates, amount, number, and the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of making such report to the town council by the auditing committee thereof, who shall examine and compare the same with the books of the treasurer and report discrepancies, if any, to the town council.

38. The town treasurer, or his deputy duly qualified, shall collect all taxes and assessments which may be levied by the town council, and for that purpose he shall be vested with power and be subject to the liabilities and penalties now prescribed by law in regard to the county treasurers.

39. All money received on any special assessment shall be held by the treasurer as a special fund, to be applied for purposes for which the assessment is made, and said money shall be used for no other purpose whatever.

40. The treasurer shall be required to keep all moneys in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct.

41. The recorder of said town shall attend the meetings of the council, and keep a record of its proceedings. He shall have the custody of the corporate seal; he shall keep all papers that, by provision of this act or the direction of the council, are required to be filed with or kept by them. He shall give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the town council is required to publish, and such other reports and ordinances as it may direct, and shall, in general, perform such other acts and duties as the council may, from time to time, allow. Any vacancy in this office shall be filled by the council.

42. There shall be elected by the council, at its first meeting in September, nineteen hundred and three, or as soon thereafter as practicable, one commissioner of the revenue, who shall hold his office during the pleasure of the council. He shall qualify and give bond before the town council, with surety in such amount as the council may determine; said surety to be approved by the council. Any vacancy in this office shall be filled by the council.

43. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying of town taxes and licenses that may be ordered by the town council. He shall keep therein such books, schedules, records, and other papers, and in such manner as the town council may direct and prescribe, which books, schedules, records, and other papers shall be subject to the inspection and examination of the mayor, recorder, and members of the town council, or

any committee or committees thereof, and of the treasurer. His compensation shall be such as the council shall, from time to time, allow.

44. There shall be appointed by the council, at its first meeting in September, nineteen hundred and three, or as soon thereafter as practicable, one town sergeant. He shall qualify and give bond before the council for such amount and with such surety as the council may approve, and shall hold his office during the pleasure of the council. His compensation shall be such as the council may, from time to time, allow.

In all cases, civil and criminal, arising in said town, or within one mile of the corporate limits thereof, he shall be vested with all the powers which the general laws of this State confer upon constables. He shall be chief of police of said town. In addition to the powers conferred upon town sergeants by the general law of this State, the sergeant of said town, and all police officers appointed by the mayor or the town council thereof, shall have all the powers conferred upon special police by the provisions of section three thousand nine hundred and twenty-seven of the Code of Virginia of eighteen hundred and eighty-seven, and amendments thereto. They shall have the power to arrest without warrant and carry before the mayor to be dealt with according to law, any and all persons who shall violate any ordinance of the town, or law of the State, in their presence, and it shall be his duty to swear out warrants of arrest for any person or persons where he has reason to believe any offense has been committed.

45. The council shall control and manage the water works of said town, either by itself or through such committees or agencies as it may adopt; and the council shall prescribe and regulate the rates of charges to be paid for the use of water furnished by the town to the citizens thereof, and to persons outside the corporate limits thereof, who may wish to purchase water from the town. They may impose fines and penalties for the injury and abuse of said works, or property connected therewith, or for waste of said water furnished by the town, and may enforce and collect said fines and penalties and the charges for water by distress or otherwise, as the council may determine.

46. The council of the town of Warrenton, whenever three-fourths of its members by a recorded vote decide that it is to the interest of the town so to do, may borrow money to the extent prescribed by the Constitution and laws of the State of Virginia, for the uses and purposes of the town, by issuing bonds of the said town and selling the same for the purpose of raising such money.

47. Any bonds which may be issued under this act may be either registered or coupon bonds, and shall be issued in such denominations and bear such rate of interest, not exceeding the legal rate per centum per annum, as may be determined by the council. Such bonds shall be made payable in not exceeding thirty years from their date, and may, at the option of the council, be made redeemable after such time as the council may prescribe; the interest shall be made payable annually, or semi-annually, as the council may determine; and the council may exempt any or all of such bonds from town taxes; in which case a clause to that effect shall be inserted in each bond. The treasurer shall endorse on each bond issued and sold a certificate to the effect that the town of Warrenton has received

the amount of said bond from the holder, and when such certificate is so endorsed upon said bond, and signed by the treasurer, the title of the purchaser shall in no case be questioned, nor shall the purchaser, or any subsequent holder, be required to see to the proper application of the money by the town, and the validity of such bonds shall never thereafter be questioned. All bonds issued by virtue of this act shall be signed by the mayor, and countersigned by the recorder, and shall have the seal of the town affixed thereto, and said bonds shall be issued and sold, and the proceeds used under the orders of the council. Every bond issued by the council shall state on its face for what purpose it was issued: provided, always, that no bond shall be issued or sold for the purpose of subscribing to the stock of any company for internal improvement or other purposes; and nothing contained in this charter shall be held to authorize the council to endorse or guarantee the bonds of any person or corporation whatever.

48. For the execution of their powers and duties, the council of the town of Warrenton shall have the power to raise, annually, by taxes and assessments, in said town, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

The town council shall have the power to tax all real and personal property situated in said town, and not exempt by law from State taxation, including any taxable real or personal property omitted from the State assessment; to levy a tax on licenses of agents of insurance, fertilizer, and other firms, persons, or corporations whose principal office is, or is not, located in said town, if said persons, firms, or corporations do, or offer to do, business in said town; to auctioneers, to public theatricals, or to other performances or shows; to keepers of billiards and pool and such like tables, ten-pin alleys; to hawkers and peddlers; to agents for the renting or selling of real estate; to commission merchants, and on the business of any person, firm, or corporation, doing business in said town, whether a license tax on such business be imposed by the State or not, within the limits of the Constitution: provided, however, that the said town council shall have the right to impose a license tax of not less than one hundred dollars, nor more than one thousand dollars, on all dealers, and on all handlers of liquors within the corporate limits of the town of Warrenton, or within one mile of such limits, and upon all auctioneers who shall bring into said town merchandise to be sold at auction; and said town council shall have the right to impose a license tax of not less than one hundred, nor more than two hundred dollars, upon any person, firm, or corporation who, not being engaged regularly in business in said town, shall consign their goods to others to be sold, or shall come into said town themselves at various times and intervals to offer their goods, wares, and merchandise, for sale by auction or otherwise, without the intention of continuing their business permanently or regularly in said town: provided, also, that any farmer may sell the products of his farm in the said town without any license. The jurisdiction of the corporate authorities of said town for imposing and collecting a license tax on saloons, shows,

performances, and exhibitions shall extend one mile beyond the corporate limits of said town; it being the purpose of this section to give to the council of said town the power to tax all subjects within its jurisdiction, not withheld from taxation by the laws of this State, whether the State taxes them or not.

49. The council may grant licenses to owners or keepers of wagons, drays, carts, hacks, and other wheel vehicles kept or employed in said town for hire; and may require the owners or keepers of wagons, drays, carts, or other vehicles using them in the town to take out a license thereon and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensations.

50. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession.

51. There shall be a lien upon real estate for the taxes assessed thereon by the town council from the commencement of the year for which they were assessed. When any of said taxes are returned delinquent by the town treasurer, a list of the same shall be returned to the clerk of the court of Fauquier county, and be by him entered in a book furnished by the said town and kept in his said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the State. In said book there shall also be columns in which shall be entered the names of purchasers, the amount and date of sales of real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered into said record as herein provided, the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors, and in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for said taxes as provided in this charter, whether owned by the person in whose name it was assessed or not. After said real estate has been sold for taxes, the same may be redeemed within such time and by such persons and upon such terms as is provided by law for the redemption of land sold for State taxes, except that the moneys paid for such redemption shall be paid to the treasurer of the town of Warrenton.

Upon the redemption of said real estate, the treasurer shall issue to the persons so redeeming it a certificate to that effect, which shall be presented to the clerk of the court of Fauquier county, who shall thereupon mark in the said record the redemption of said real estate, the name of the party redeeming it and the date thereof. The clerk shall receive for his service a fee of ten cents for each lot of land so entered in said record, a fee of ten cents for the entry of such sale of real estate as provided in this charter, and a fee of twenty-five cents for each redemption so entered, to be paid by the town of Warrenton, and which shall be charged against and be a lien upon said land along with the taxes against the same.

At the expiration of the time within which said real estate may be re-

deemed, if the same has not been redeemed as herein provided, the recorder shall execute to the purchaser thereof a deed conveying the same in like manner as is now prescribed by law for the conveyance of real estate by the clerk of the county court which has been sold for delinquent taxes due the State, and such deed shall convey such title as would be conveyed had the same been sold for delinquent State taxes.

52. The court of Fauquier county, on the application of the council of the town of Warrenton, may order real estate delinquent for the non-payment of taxes to be sold by the treasurer of the town of Warrenton at public auction for such taxes, penalties, interests, and costs at such time as it shall direct, said sale and advertisement thereof to be made in conformity as near as may be to the State law with reference to the sale of delinquent lands. When such sale has been made, the same, with date thereof, the name of the purchaser, and the amount for which the said real estate sold, shall be entered by the clerk in the record of the delinquent real estate, provided for in section fifty-three.

53. If at any sale no bids shall be made by any person for any such parcel of land, or such bids be not equal to the taxes, with interest, penalties, and costs thereon, then the same may be bid in and purchased by the treasurer for the town. On such sale the treasurer shall execute to the town a certificate of sale, in which the property purchased shall be described and the aggregate amount of taxes, interests, penalties, and costs specified, and shall deposit such certificates with the recorder.

54. In case that any real estate purchased by the treasurer for the town as hereinbefore provided shall not be redeemed within the time specified, the town treasurer shall, within sixty days after the expiration of the time for redemption, cause to be recorded in the clerk's office of the court of Fauquier county such certificate of sale, with his oath that the same has not been redeemed, and thereupon the said town of Warrenton, or its assigns, shall acquire an absolute title to the same. The said certificate or record thereof, or a certified copy thereof, shall, in all courts and other places, be evidence of the facts therein stated: provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the town for all taxes assessed against such real estate; but the said town may, at any time, elect to enforce its lien for taxes in a court of equity, and release its right as purchaser, or to become a purchaser of such real estate.

55. The council of the town of Warrenton shall have the right to add to all tax bills not paid by the first day of December in each year a penalty of five per centum on the amount of such tax bills, and the said council shall also have the right to add to all taxes on licenses not paid by the first day of June in each year a penalty of five per centum on the amount of such licenses, and to prescribe a fine for engaging without the payment of a license by any person in a business for which a license tax is charged.

56. The council shall annually order a levy upon all male persons within said town overt twenty-one years of age, and on all real estate within said town not exempt by law from State taxation, and on all such personal property and other subjects as may at the time be subject to taxation by this charter: provided, however, that the tax on persons shall not

exceed one dollar, and the tax levied for general purposes shall in no year exceed one dollar on the one hundred dollars' worth of property, real and personal, and this maximum rate of taxation shall not be increased except by amendment to this charter.

57. The council may organize and maintain a fire department for the town, and make rules and regulations for the government of the officers and men of said department, and may make such ordinances as they may deem proper to extinguish and prevent fires; to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

58. All ordinances now in force in the town of Warrenton not inconsistent with this charter, the laws of this State, and of the United States shall be and remain in force until amended or repealed by the town council.

59. All acts and parts of acts inconsistent with this act are hereby repealed.

60. This act shall be in force from its passage.

CHAP. 190.—An ACT to empower the boards of supervisors of the counties of Halifax, Charlotte, Prince Edward, Cumberland, and Powhatan to declare streams in their counties public highways, to provide rules and regulations for keeping the banks and channels of the same free from obstructions, and to provide penalties for failures to comply therewith.

Approved May 1, 1903.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of the respective counties of Halifax, Charlotte, Prince Edward, Cumberland, and Powhatan be, and they are hereby, empowered to declare any stream or streams in their respective counties a public highway.

2. The said boards are further empowered to make all necessary rules and regulations to carry into effect the provisions of this act, and to require all persons owning land contiguous thereto to keep the banks and channels of said streams free from fallen timber, drift-wood and other obstructions.

3. If any owner of contiguous land shall fail to comply with the rules and regulations imposed by the board of supervisors of the county in which said land is situated in reference to keeping the banks and channels of any such stream free from fallen timber, drift-wood, or other obstructions, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two nor more than ten dollars.

4. This act shall be in force from its passage.

CHAP. 191.—An ACT to regulate the professional nursing of the sick in the State of Virginia.

Approved May 1, 1903.

1. Be it enacted by the general assembly of Virginia, That within sixty days after the passage of this act the governor of this State shall appoint a State board of examiners of graduate nurses, to be composed of five members, to be selected by the governor from twelve nominations submitted to him by the Virginia State Association of Graduate Nurses. One of the members of this board shall be designated to hold office one year, one for two years, one for three years, one for four years, one for five years, and thereafter, upon the expiration of the term of office of the person so appointed, the governor of the State shall appoint a successor to each person whose term of office shall expire, to hold office for five years, and the person so appointed shall be selected by the governor from a list of seven nominations submitted to him by the Virginia State Association of Graduate Nurses. In case appointment of a successor is not made before the expiration of the term of any member, such member shall hold office until a successor is appointed and duly qualified. Any vacancy occurring in membership of the board shall be filled by the governor of this State for the unexpired term of such membership.

2. The members of the State board of examiners of registered nurses shall, before entering on the discharge of their duties, make and file with the secretary of the Commonwealth the constitutional oath of office. They shall, as soon as organized, and annually thereafter in the month of January, elect from their number a president and a secretary, who shall be the treasurer. The treasurer, before entering upon his or her duties, shall file a bond with the secretary of Commonwealth for such sum as shall be required of him or her by said secretary of Commonwealth. The board shall adopt rules and regulations not inconsistent with this act to govern its proceedings, and also a seal, and the secretary shall have the care and custody thereof, and he or she shall keep a record of all proceedings of the board, including a register of the names of all nurses duly registered under this act, which shall be open at all reasonable times to public scrutiny, and the board shall cause the prosecution of all persons violating any of the provisions of this act, and may incur necessary expense on that behalf. The secretary of the board may receive a salary, which may be fixed by the board, and which shall not exceed one hundred dollars per annum; she or he shall also receive traveling and other expenses incurred in the performance of her or his official duties. The other members of the board shall receive the sum of one dollar for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meeting of said board. Said expenses and salaries shall be paid from the fees received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All money received in excess of the said per diem

allowance and other expenses provided for shall be held by the treasurer as a special fund for meeting the expenses of said board and the cost of (annual) reports of the proceedings of said board.

3. Three members of the board shall constitute a quorum. Special meetings of the board shall be called by the secretary upon written request of any two members. The board shall adopt rules and regulations for the examination of applicants for licenses, certificates, or to practice professional nursing of the sick in accordance with the provision of this act, and may amend, modify, and repeal such rules and regulations from time to time. The board shall, immediately upon the election of the officers thereof, and upon the adoption of its rules of government, or its rules and regulations for examination of applicants for registration, file with the secretary of the Commonwealth and publish in at least one journal devoted to the interest of professional nursing and one daily newspaper published in the State of Virginia at least twice, the name and address of each officer, and a copy of such rules and regulations, or the amendment or modification thereof.

4. Provision shall be made by the board hereby constituted for holding examinations at least twice in each year. All examinations shall be made directly by said board or a committee of two members delegated by the board, and due notice of the time and place of holding such examination as in the case provided for the publication of the rules and regulations of said board. The examination shall be of such character as to determine the fitness of the applicant to practice professional nursing of the sick. If the result of the examination of any applicant shall be satisfactory to a majority of the board, the secretary shall, upon an order of the board, issue to the applicant a certificate to that effect upon payment to the secretary by the candidate of a fee of five dollars; whereupon the person named on the certificate shall be declared duly licensed to practice professional nursing in this State. Any persons from other States who shall show to the satisfaction of the board that he or she is properly and duly registered for the practice of professional nursing in such States, upon payment of usual fees for certificate is entitled to a license to practice professional nursing in this State without an examination.

5. The applicant who desires to practice professional nursing shall furnish satisfactory evidence that she or he is more than twenty-one years of age, is of good moral character, has received a sufficient preliminary education, as may be determined by the board, and has graduated from a training school of a general hospital of good standing, as may be determined by the board, and where at least two years' training in the hospital and systematic courses of instruction are given.

6. Any person who shall show to the satisfaction of the board that she or he graduated from a training school of a general hospital of good standing prior to the first day of January, nineteen hundred and four, or that she or he was engaged in the practice of professional nursing of the sick on the date of the passage of this act shall be entitled to a license without passing an examination: provided,

such application shall be made within twelve months after the passage of this act.

7. All persons who have duly received licenses or certificates in accordance with the provisions of this act shall be known and styled a registered nurse, and it shall be unlawful after one year from the passage of this act for any person to practice professional nursing of the sick as such for compensation without a license or certificate in this State, or to advertise as or assume the title of trained nurse or graduate nurse, or to use the abbreviation of "T. N." or "G. N.," or any other words, letters, or figures to indicate that the person using the same is a trained, registered, or graduate nurse.

8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense.

9. This act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, and also it shall not apply to any person nursing the sick for hire but who does not in any way assume to be a registered or graduate nurse.

10. Any person who shall wilfully make any false representation to the board of examiners in applying for a license shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars.

11. The State board of examiners of graduate nurses shall have the power to revoke any certificate or license issued in accordance with this act by unanimous vote of said board for gross incompetency, dishonesty, habitual intemperance, or any act derogatory to the morals or standing of the profession of nursing, as may be determined by the board; but before any license or certificate shall be revoked the holder thereof shall be entitled to at least thirty days' notice of the charge against her or him, and of the time and place of hearing and determining of such charges, at which time and place she or he shall be entitled to be heard. Upon the revocation of any certificate or license it shall be the duty of the secretary of the board to strike the name of the holder thereof from the roll of registered nurses.

12. This act shall be in force from its passage.

CHAP. 192.—An ACT to amend and re-enact an act entitled an act to authorize the governor to grant a conditional pardon to persons confined in the penitentiary upon recommendation of the board of directors of said institution, approved March 3, 1898, as amended by an act approved February 3, 1900.

Approved May 1, 1903.

1. Be it enacted by the general assembly of Virginia, That an act to authorize the governor to grant a conditional pardon to persons confined in the penitentiary upon recommendation of the board of

directors of said institution, approved March third, eighteen hundred and ninety-eight, as amended by an act approved February third, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1. Whenever any person is confined in the penitentiary for any offense, and shall have served out half of his term of imprisonment, he shall be allowed to file a petition with the board of directors of said institution, setting forth that he has served half of his term, that he has kept the prison rules in every respect for the two years next preceding the date of his petition (if he shall have been confined in the penitentiary so long), and asking the said board to recommend him to the governor as a proper person to receive a conditional pardon.

§ 2. The said board of directors, or any three of them, upon receipt of said petition, shall inquire into the statements made therein, and if they find them to be true, and that the convict is a person fit to receive a conditional pardon, they may recommend him to the governor for that purpose.

§ 3. The governor, after examining the petition and the proof filed to sustain it, and the recommendation of the board of directors, may grant a conditional pardon to the convict upon such conditions and with such restrictions and under such limitations as he may deem proper; and he may issue his warrant to the superintendent of the penitentiary to carry such pardon into effect.

§ 4. There shall be attached to the warrant issued by the governor to the superintendent of the penitentiary, mentioned in the next preceding section, the conditions and restrictions under which the pardon is granted, and the said superintendent shall cause a copy thereof to be certified to the clerk of the court in which the offender was convicted, to be preserved by the said clerk as other records are.

§ 5. When a convict is pardoned on conditions to be observed and performed by him, and such conditions are violated, he shall, upon complaint being made before a justice of the peace or any other officer authorized by law to issue warrants of arrest, be forthwith apprehended and brought before the judge of the court in which he was convicted, and the said judge is directed to investigate the charges, either in term time or in vacation, and if the said person is found guilty of violating the conditions of his pardon he shall be returned to the penitentiary, there to serve out the unexpired term of his sentence; and in computing the time of his confinement the time between the conditional pardon and his subsequent arrest shall not be taken to be a part of the term of his imprisonment.

§ 6. This act is not to be construed as in any way interfering with or abridging the authority now conferred on the governor by law with reference to granting absolute pardons.

2. This act shall be in force from its passage.

CHAP. 193.—An ACT to establish Jonesville high school district, in Lee county, Virginia, providing the mode of appointing trustees, levying tax for district school purposes therein, and authorizing the trustees to apply the money collected for district school purposes to the payment of teachers' salaries, the purchasing, renting, or building of school-houses, apparatus, furniture, appliances, etc.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That the following territory, which is in the Jonesville magisterial district of Lee county, Virginia, be, and the same is hereby, constituted a separate school district, to be known as the Jonesville high school district, with bounds as follows—to-wit: Beginning at the camp ground spring, at the northwest corner of the Jonesville camp ground; thence north to the top of Chestnut ridge; thence eastward with the top of said ridge to a point on the top thereof north of Miller's chapel; thence south to Miller chapel; thence southward to the forks of the road on the hill west of F. M. McConnell's; thence southward to the southeast corner of the Sam Cheek farm, on Powell river; thence westward with said river to the southwest corner of Robert Vandeventer's land; thence with the west line of said Vandeventer's land to George Rutherford's land; thence with the east line of said Rutherford's land to the Williams Rutherford's blacksmith shop; and thence to the beginning.

2. The trustees of this district shall be appointed in the manner provided by law for the appointment of district school trustees, and shall, in addition to the duties imposed by law on district school trustees, ascertain and report to the board of supervisors of Lee county the rate of taxation desired, to be levied for district school purposes in this district on the real and personal property therein: provided, that the rate of taxation shall not be less than twenty-five cents on each one hundred dollars' worth of the assessed value thereof.

3. The clerk of the board of trustees of this district shall transmit to the board of supervisors of the county a copy of the order ascertaining the rate of taxation as aforesaid, which order shall be signed by the chairman of the board of trustees and attested by the clerk. The board of supervisors shall, in its discretion, lay a levy for district school purposes for this district at the rate so ascertained by the board of trustees.

4. The trustees may, if they deem it necessary, apply the money collected under the provisions of this act to the payment of teachers' salaries in the district, the building, renting, or purchasing of school buildings, furniture, apparatus, and school appliances as the trustees in their judgment may deem necessary and proper.

5. It shall be the duty of the authorities, in which is vested the power of appointment of district school trustees, within thirty days after this act goes into force, to appoint trustees for this district, and it shall be the duty of the clerk of the board of trustees so appointed, within sixty days from the date upon which this act goes into force, to take a census of all the children living within the bounds of this district that are legal school subjects, and to make report

thereof to the proper authorities, so that proper apportionments may be made of the State and county school funds to this district.

6. All real and personal property within the bounds of this district shall be taxable therein, but any person owning or living on lands through which the boundary line of this district runs shall be taxable in the school district in which his or her mansion house is situated, and the whole of said land shall be taxable in the school district in which said mansion house is situated.

7. The commissioner of the revenue of the commissioner's district, in which is included this school district, in making up his commissioner's books, shall list the property taxable within this school district on one or more pages of his books, so that the same may be separated from the other property in his district.

8. This act shall be in force from its passage.

CHAP. 194.—An ACT to authorize the improvement of the public roads in Frederick county, and to provide funds to pay for the same.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That J. T. McIlwee, R. L. Omph, C. E. Clevenger, C. G. Crawford, and B. C. Shull, citizens of Frederick county, any three of whom may act, be, and they are hereby, appointed commissioners to supervise and carry out the provisions of this act, as the same are set forth in the succeeding sections hereof.

2. The said commissioners shall at the next general election to be held for the election of county and district officers in said county, cause to be submitted to the voters of each district of said county the questions of the adoption of this act, and of the application of the same to each particular district in said county. A separate ballot and ballot-box shall be used at each precinct at this election, but otherwise the election shall be conducted, held, and certified by the same officers and in the same manner as is or shall be provided by law for the election of district and county officers in said county. The commissioners shall cause a written or printed notice of said election to be posted at each election precinct in the county for at least ten days before such election. The commissioners shall also cause to be printed and sent out with the ballots for the election of the district and county officers a ballot of white paper, upon which shall be printed the following words:

For road improvement by bond issue.

For road improvement by direct taxation.

Against application to this district.

Any voter desiring to vote for the improvement of the roads by an issue of bonds shall make a X or a similar mark opposite the first line in the ballot; the voter desiring to vote for improvement of the roads by direct taxation, shall make his mark opposite the second line;

and the voter opposed to any application of the law to his district shall make his mark opposite the third line of the ballot. The result of this election shall be ascertained and certified by the election officers to the clerk of the court in the same manner that the certificate is made for the election of the county and district officers, and the cost of holding this election shall be paid at the same time and as a part of the cost of the regular election at which this election shall be held.

3. If the majority of the votes cast in any one or more districts is for road improvement by bonds, the commissioners acting in connection with the board of road commissioners in such district shall ascertain and determine which of the principal county roads in such districts shall be macadamized and prepared for that purpose, and which of the principal roads shall be graded and otherwise improved. Should there be a disagreement between the commissioners and any board of road commissioners as to what roads shall be so selected in any district, the same shall be certified in writing to the board of supervisors of the county, who shall forthwith determine the same, but the total cost of the improvement of the roads in the districts of the county to which this law is applicable shall not exceed the amount of the total issue of bonds provided for by this act. The commissioners shall then make an approximate estimate of the cost of improving each road so selected in each district, and the total cost of all the roads so selected in all of the districts, and shall certify the same, with a correct list of said roads so selected, to the board of supervisors of the county, who shall cause said certificate to be published for at least ten days in one or more newspapers published in Winchester. The boards of road commissioners of each of such districts shall treat first the roads of the most general importance selected, and should the sum of money allotted to any district be insufficient to treat all the roads selected for that district, they shall defer the treatment of the others until some other fund shall be provided for that purpose.

4. Upon the final ascertainment and selection of the roads to be treated, the commissioners shall cause to be prepared coupon or registered bonds of the county of Frederick, in denominations of one hundred dollars and five hundred dollars, payable twenty years after date, with the privilege of paying in ten years, and with interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually; the amount of these bonds to be equal to the sum needed for the treatment of all the roads selected as certified, but in no event to exceed in the aggregate the sum of fifty thousand dollars. The said bonds shall, as the proceeds thereof shall be needed for the treatment of the roads as provided by this act, be signed by the president of the board of supervisors and by the treasurer of the county, and as needed the county treasurer shall sell the same at not less than par. The proceeds of sale of said bonds shall by the treasurer be allotted to the several districts which shall have voted for the bond issue in proportion to the need of such districts as ascertained by the certificate required by clause three of this act, but not ex-

ceeding the proportion that the assessed value of the property in any such district bears to the assessed value of the property in the other districts of the county to which this act shall apply.

5. The interest on the bonds provided for by this act shall be paid by the treasurer of Frederick county semi-annually as it becomes due, and a sum of money equal to five per centum on the principal of said bonds shall be annually set aside by the treasurer as a sinking fund for the same; and this shall be invested semi-annually either in the purchase or payment of said bonds, or otherwise as the board of supervisors of the county shall direct. If the law for the improvement of the roads by bonds is made applicable to every district in the county, the interest and sinking fund payments paid by the county shall be charged as follows: forty per centum thereof to the county at large, and sixty per centum of the interest and sinking fund payment on the amount allotted to each district, to be charged by the county to the road fund of such district; but if the law is not made applicable to all the districts, then each district to which the law is applicable shall repay to the county, out of its annual road fund, the amount of interest and sinking fund payment on so much of the fund for road improvements as under this act is allotted to such district. If a majority of votes cast in any district shall be for road improvement by direct taxation, it shall be the duty of the board of road commissioners of any such district to recommend, and for the board of supervisors to levy, a tax sufficient for the purpose of road improvement in such district: provided, the tax so to be levied for this purpose shall not exceed in any one year forty cents on the one hundred dollars of the assessed value of the property in such district, and the other provisions of this act shall in that event have no application to such district so far as the payment of interest and sinking fund is concerned. If the majority of the votes cast in any district shall be simply against application to such district, this act shall have no application whatever to such district.

6. The money allotted to each district under this act, either by the sale of bonds or by direct taxation, as the case may be, shall remain in the hands of the county treasurer, and shall be paid out for the treatment of the roads herein provided for from time to time on orders, as is at present provided by the county road law, and the same shall be accounted for by the county treasurer in his settlement with the board of supervisors.

7. After the roads to be treated have been selected as provided by this act the same shall be improved to an extent not exceeding the sum allotted to each district, the improvement to be made under the direction of the board of road commissioners of the several districts: provided, that it shall be lawful for the board of supervisors of the county to employ a practical road-maker having sufficient experience and knowledge of such things, on such terms as they may agree on, and the duties of this person shall be to aid the board of road commissioners in each district, when desired by any such board, and to supervise any particular work to which he may be assigned. In the

treatment of the roads under this act the board of road commissioners shall cause such of them as it is feasible to macadamize to be macadamized with a single track of sufficient width and of such depth as the conditions demand, and before macadamizing the same to have them so graded that the whole work will be done to the most advantage. The selected roads that cannot be macadamized shall be so drained and graded as to secure the best possible roads within the limit of the sum appropriated therefor.

8. After the roads shall be so treated by the board of road commissioners as provided by this act they shall continue to be worked and cared for under the general road act of the county: provided, however, that in reconstructing said roads under this act such minor changes in their courses as may be necessary may be made, and the damage therefor shall be ascertained and paid for under the provisions of the general road law of the county.

9. The duties of the commissioners named in this act shall be to cause the same to be duly submitted to the voters of each district of Frederick county as herein provided, and in the case of such districts as shall adopt a system of road improvement either by issue of bonds or by direct taxation, to aid in the selection of the roads to be improved as provided in section three of this act; to cause bonds to be prepared and allotted for such district or districts as shall vote for that method; and when these duties shall have been performed their functions shall cease. The compensation of the commissioners shall be two dollars to each commissioner for each day that he shall actually engage in the performance of his duties.

10. This act shall be in force from its passage.

CHAP. 195.—An ACT to amend and re-enact section 3139 of the Code of Virginia, as amended and re-enacted by act approved July 28, 1902, in relation to who liable to serve as jurors.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That section three thousand one hundred and thirty-nine of the Code of Virginia, eighteen hundred and eighty-seven, as amended and re-enacted by act approved July twenty-eighth, nineteen hundred and two, entitled an act to amend and re-enact section three thousand one hundred and thirty-nine of the Code of eighteen hundred and eighty-seven, in reference to who liable to serve as jurors, be amended and re-enacted so as to read as follows:

§ 3139. Who qualified to serve as jurors.—All male citizens over twenty-one years of age, who shall have been residents of this State twelve months and of the county, city, or town in which they reside three months next preceding their being summoned to serve as such, and competent in other respects except as hereinafter provided, shall remain and be liable to serve as jurors: provided, that no officer, sol-

dier, seaman, or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed herein, nor shall an inmate of any charitable institution be qualified to serve as jurors: provided, also, that the following persons shall be excluded from serving as jurors: First, idiots and lunatics; second, persons convicted of bribery, perjury, embezzlement of public funds, treason, felony, or petit larceny.

2. Provided, that no male citizen over sixty years of age shall be compelled to serve as juror.

3. This act shall be in force from its passage.

CHAP. 196.—An ACT to amend and re-enact section 16 of an act approved April 2, 1902, entitled an act to amend and re-enact sections 1, 16, 17, and 20 of an act approved March 15, 1902, entitled an act to submit to the qualified voters of the town of Martinsville, in the county of Henry, Virginia, at a special election to be held therefor, the question of the establishment of a dispensary for the sale of intoxicating liquors therein, and in the event a majority of those voting at said election vote for said dispensary, then further to provide for the establishment and conduct of the same, and to prohibit thereafter in said town, or within the magisterial district in which said town is situated, the sale, barter, or exchange of intoxicating liquors by all persons, firms, or corporations, except as provided herein.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixteen of an act approved April second, nineteen hundred and two, entitled an act to amend and re-enact sections one, sixteen, seventeen, and twenty of an act approved March fifteenth, nineteen hundred and two, entitled an act to submit to the qualified voters of the town of Martinsville, in the county of Henry, Virginia, at a special election to be held therefor, the question of the establishment of a dispensary for the sale of intoxicating liquors therein, and in the event of a majority of those voting at said election vote for said dispensary, then, further to provide for the establishment and conduct of the same, and to prohibit thereafter within said town, or within the magisterial district in which said town is situated, the sale, barter, or exchange of intoxicating liquors by all persons, firms, or corporations, except as provided herein, be amended and re-enacted so as to read as follows:

§ 16. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia; at least one-eighth to the public free schools of said town, though the council of said town may apply to said schools more than one-eighth; and the remainder to the town of Martinsville, for its general purposes. Such distribution shall be made when ordered by said board, and shall be made in accordance with this section during the year ending April thirtieth, nineteen hundred and four.

2. This act shall be in force from its passage.

CHAP. 197.—An ACT to amend and re-enact sections 1, 2, 3, 5, and 11 of an act approved March 4, 1898, entitled an act to incorporate the town of Buchanan, and to repeal an act entitled an act to incorporate the towns of Buchanan and Pattonburg, in the county of Botetourt, approved January 19, 1882, and acts amendatory thereof, and to repeal an act entitled an act to amend and re-enact an act entitled an act to enlarge the powers of the town of Buchanan, in the county of Botetourt, approved March 3, 1890, approved February 25, 1892.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That sections one, two, three, five, and eleven of an act approved March fourth, eighteen hundred and ninety-eight, entitled an act to incorporate the town of Buchanan, and to repeal an act entitled an act to incorporate the towns of Buchanan and Pattonburg, in the county of Botetourt, under the name of the town of Buchanan, approved January nineteenth, eighteen hundred and eighty-two, and acts amendatory thereof, and to repeal an act entitled an act to amend and re-enact an act entitled an act to enlarge the powers of the town of Buchanan, in the county of Botetourt, approved March third, eighteen hundred and ninety, approved February twenty-fifth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the towns of Buchanan and Pattonburg, in the county of Botetourt, as the same have been heretofore laid off into streets and alleys, and as the same may hereafter be further laid off and extended into lots, streets, and alleys, shall be, and the same are hereby, made a town corporate, to be known as the town of Buchanan, and by that name shall have and exercise all the powers, rights, privileges, and immunities conferred upon towns by the Constitution and laws of Virginia, so far as said laws are not in conflict with the provisions of this act.

§ 2. The government of said town shall be vested in a mayor, six councilmen, a recorder, an assessor, a treasurer, a sergeant, and such other officers as the council may provide, who shall be residents of said town; the present incumbents of said offices shall continue in office until September first, nineteen hundred and three, at which time their terms of office shall cease and determine. Two of the councilmen shall always reside on the north side of James river, and four on the south side of James river. The mayor and councilmen shall constitute the council of said town. The mayor and councilmen shall be elected on the second Tuesday in June, nineteen hundred and three, and every two years thereafter, and shall qualify and enter upon the discharge of their duties on the first day of September next succeeding their election, and shall serve until their successors shall have been elected and qualified. The electoral board of Botetourt county shall, not less than fifteen days before any town election therein, appoint from the resident voters of said town one registrar and three judges of election, who shall also act as commissioners of election. The said registrar shall, before any election in said town, register all residents of said town who have resided therein for twelve months consecutively next preceding the said election, and who shall have pre-

viously registered as voters in the said county of Botetourt. The said registrar shall be governed, as to his qualification and powers, and in the performance of his duties, by the general laws of this Commonwealth, so far as the same may be applicable. A list of the persons so registered shall be delivered by the registrar to the judges of election, who shall, at the time above prescribed, and in the manner prescribed by law, open a poll at the place designated by the proper officer, and the manner of receiving the ballots and canvassing the votes shall conform to the general law. In case it is impossible, by reason of a tie, to decide who is elected to any office, the commissioners of election shall select one of their number, who, in the presence of the other two, shall decide by lot who is elected. Immediately after any election, the commissioners of election shall make out and deliver to the persons elected certificates of their election. The election shall open at sunrise and close at sunset on the day thereof, and the judges shall count the ballots and make return of the result. Said return, with the ballots sealed up, shall be returned to the town council, and the return shall be recorded in the record book of said council. There shall be ten days' notice of all elections by the sergeant, who shall post written or printed notices thereof at three or more public places in said town.

§ 3. The council shall appoint a recorder, an assessor, a treasurer, and a sergeant, who shall serve until their successors are appointed and qualified. The council shall fix the compensation of all officers of said town, and the amount of compensation attached to any office may be increased or diminished by the council during the term of said office. The assessor, treasurer, and sergeant shall each give bond in such penalty, and with such security as may be required by the council and approved by the mayor. Said bond shall be payable to the corporation, and the mayor shall give judgment and issue execution against any one of said officers and his surety or sureties upon his official bond, for neglect of duty, and the sergeant, or other officer to be designated by the mayor, shall sell under this execution as the sheriff sells under an execution from court.

§ 5. The council shall have power to mark accurately bounds of existing streets, and to compel the removal of obstructions therefrom, and to lay off and pave new streets, alleys, and sidewalks, and to provide and protect shade trees thereon. The mayor's court shall have the same jurisdiction for condemning land for streets, alleys, and sidewalks of said town as the county court has for condemning land for roads in the county. The council shall further have power to provide against and prevent accidents by fire; to establish and regulate markets; to prevent the running at large of hogs, dogs, horses, and other animals; to prevent the encumbering of streets, sidewalks, and alleys in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of all houses, stables, privies, hog pens, and slaughter houses; to abate nuisances at the expense of those who cause them; to restrain and punish drunkards, vagrants, mendicants, and street beggars; to appoint police and

to prescribe their duties and compensation; and to make, pass, and ordain such rules, regulations, and by-laws as they may deem necessary and proper for the internal and general good, safety, health, and convenience of said town, and the inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violations of law by fine or imprisonment, or both, in the discretion of the mayor: provided, the accused shall have the right of appeal to the county court in all cases whatever wherein the fine shall exceed twenty-five dollars, or the imprisonment exceed thirty days. The authorities of said town, with the consent of the county court, entered of record, shall have the right to use the county jail whenever it may be needed by them. Whenever judgment shall be rendered against any person for fines, and there be no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the streets or other public improvements, and to suffer, in addition, such term of imprisonment as may be prescribed by ordinances of said town. The mayor shall make at the end of each month to the treasurer a full and explicit statement and report of all fines imposed by him during the month, setting forth the date of said fine, against whom imposed, the amount thereof, the amount of costs and to whom payable, and what payments, if any, have been made thereon; all fines for violations of the ordinances of the town shall be paid into the treasury of the said town, and shall be appropriated as the council may determine.

§ 11. All licenses must be signed and approved by the mayor, assessor, and treasurer before they are valid. All warrants issued against the treasury of the said town must be signed by the chairman of the finance committee of the council and approved by the mayor before they are paid by the treasurer.

2. This act shall be in force from its passage.

CHAP. 198.—An ACT to provide for the appointment of a bail commissioner for the several counties.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That on the first day of February, nineteen hundred and four, or as soon thereafter as practicable, the circuit court of each county, or the judge thereof in vacation, shall appoint one of the commissioners in chancery of said court bail commissioner for said county.

CHAP. 199.—An ACT to provide fuel, light, and ice for the capitol and library buildings and the governor's mansion, and to appropriate money therefor.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his

warrant upon the treasurer of the State for such amounts as may be certified to him by the register of the land office for the payment of bills for fuel, light, and ice for use in the capitol and library buildings, and the governor's mansion, to an amount not exceeding two thousand dollars.

To pay said amounts so certified, there is hereby appropriated the sum of two thousand dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 200.—An ACT to prescribe the manner in which a county or city treasurer may, after the expiration of his term, secure a final discharge from his liability as such treasurer.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That when any county or city treasurer, or, if he be dead, his personal representative, shall, at any time after a period of two years after the expiration of any term of said treasurer, provided he is not and has not been treasurer of said county or city since the end of such term, whether by limitation, resignation, death, or otherwise, produce before the circuit court of the county or city of which he is treasurer the respective certificates of the auditor of public accounts of Virginia, of the board of supervisors of such county, or city council of such city, and of the school board of such county or city, and board of road commissioners of the county, if there be such board in the county, as the case may be, showing the final settlement of his accounts as treasurer, and the proper accounting for and turning over of all moneys or other property that had or should have come into his hands as such treasurer during said term, then said court shall enter an order requiring the clerk of the court to publish once a week for four successive weeks in some newspaper to be designated in said order, a notice that such treasurer will, on or after a day to be named in said order, move said court to enter an order of final discharge to such treasurer, and a copy of such notice shall also be posted at the front door of the courthouse of said court, on the first day of such term of said court. And when said notice shall have been published and posted as aforesaid, then said court, on or after the day named in such notice, shall, if no cause be shown to the contrary, enter an order finally discharging such treasurer and directing the clerk of such court to cancel and surrender to such treasurer, or his personal representative, all bonds or other securities given by such treasurer for the faithful discharge of his duties as such during such term. If, however, any one or more of such certificates cannot be produced as aforesaid, then said court shall, on the motion of such treasurer, or his personal representative, enter an order requiring said auditor of public accounts, board of supervisors, council, or school board, or such of them as shall not have given the certificate as aforesaid, on a day to be named in such order, to show

cause, if any they can, why such treasurer should not be finally discharged, and when a copy of such order shall have been served at least thirty days before the day named in said order for the hearing of the motion, and shall have been published and posted as hereinbefore required in reference to the notice aforesaid, then said court, on or after the day named in such order shall, if no cause be shown to the contrary, enter an order finally discharging such treasurer and directing the clerk of such court to cancel and surrender to said treasurer, or his personal representative, all bonds, or other securities given by said treasurer for the faithful discharge of his duties as such during such term. The copy of the order herein required to be served on any board of supervisors may be served on its chairman; that required to be served on any city council may be served on the mayor of such city, and that required to be served on the county or city school board may be served on the superintendent of schools for such city or county. If on the hearing of either of the motions provided for in this act, the court thinks it proper it may refer the matter to one of its master commissioners, who, after giving reasonable notice to such treasurer and any party appearing on record objecting to such discharge, shall consider of all objections and make, state, and return to the court a report showing the condition of the accounts of such treasurer, and on the coming in of such report said court shall make such order as to it shall seem proper and right. If there be no objection filed to the discharge of the treasurer, all the costs of proceedings under this act shall be paid by such treasurer; but if there is any objection filed, then the costs shall be paid as to the court may seem proper.

2. This act shall take effect from its passage.

CHAP. 201.—An ACT to amend and re-enact sections 4110, 4113, 4114, 4115, 4143, 4154, 4155, 4156, 4157, 4168, 4172, 4173 of the Code of Virginia, and sections 4123, 4124, 4159, 4162, as amended and re-enacted by an act entitled an act to amend and re-enact sections 4123, 4124, 4152, 4159, 4160, 4161, 4162, 4163, 4164, 4167, and 4173 of chapter 202, Code of Virginia, in relation to rules governing the management of the penitentiary, approved February 19, 1892, and sections 4133, 4160, and 4167, as amended and re-enacted by an act entitled an act to amend and re-enact sections 4130, 4132, 4133, and 4136 of the Code of Virginia, and sections 4137 and 4138 of the Code of Virginia, as amended by an act approved March 6, 1890, and sections 4160 and 4167 of the Code of Virginia, as amended by an act approved February 19, 1892, relating to rules governing the penitentiary, approved March 18, 1892, of title 55 of the Code of Virginia, in relation to the organization, government, and discipline of the penitentiary.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That sections forty-one hundred and ten, forty-one hundred and thirteen, forty-one hundred and fourteen, forty-one hundred and fifteen, forty-one hundred and forty-three, forty-one hundred and fifty-four, forty-one hundred and fifty-five, forty-one hundred and fifty-six, forty-one hundred and fifty-seven, forty-one hundred and sixty-eight, forty-one hun-

dred and seventy-two, and forty-one hundred and seventy-three, and sections forty-one hundred and twenty-three, forty-one hundred and twenty-four, forty-one hundred and fifty-nine, and forty-one hundred and sixty-two, as amended and re-enacted by an act entitled an act to amend and re-enact sections forty-one hundred and twenty-three, forty-one hundred and twenty-four, forty-one hundred and fifty-two, forty-one hundred and fifty-nine, forty-one hundred and sixty, forty-one hundred and sixty-one, forty-one hundred and sixty-two, forty-one hundred and sixty-three, forty-one hundred and sixty-four, forty-one hundred and sixty-seven, forty-one hundred and seventy-three, of chapter two hundred and two, Code of Virginia, in relation to rules governing the management of the penitentiary, approved February nineteenth, eighteen hundred and ninety-two, and sections forty-one hundred and thirty-three, forty-one hundred and sixty, and forty-one hundred and sixty-seven, as amended and re-enacted by an act entitled an act to amend and re-enact sections forty-one hundred and thirty, forty-one hundred and thirty-two, forty-one hundred and thirty-three, forty-one hundred and thirty-six of the Code of Virginia, and sections forty-one hundred and thirty-seven, forty-one hundred and thirty-eight of the Code of Virginia, as amended by an act approved March sixth, eighteen hundred and ninety, and sections forty-one hundred and sixty, forty-one hundred and sixty-seven of the Code of Virginia, as amended by an act approved February nineteenth, eighteenth hundred and ninety-two, relating to rules governing the penitentiary, approved March eighth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

TITLE 55.

PENITENTIARY.

Chapter ccii.

Of the organization, government, and discipline of the penitentiary.

§ 4110. Property attached to the penitentiary; in whose custody and control; authority of superintendent to employ prisoners out of enclosure.—The lot of twelve acres and fourteen square rods of land on which the penitentiary is situated, and the lot numbered seven hundred and twenty-nine, being one-fourth of a square in the city of Richmond, between the southwest end of First street and the eastern boundary of the land aforesaid, and so much of the square of land between Cary and Main and Jefferson and Madison streets as is reserved in the deed dated the eleventh day of March, eighteen hundred and eighty-five, from the board of public works to Samuel W. Venable and Edward C. Venable, recorded in the chancery court of the city of Richmond, in deed-book one hundred and twenty-seven C, page four hundred and seventy-one, together with all the rights reserved in said deed, and the pipes and fixtures for conveying water to that institution, and a certain one-half acre lot at the corner of

Byrd and First streets (number seven hundred and thirty), fronting on the west line of First street one hundred and sixty-three feet and four inches, running back on the south side of Byrd street one hundred and thirty feet, it being the lot deeded by Karr's heirs to the Commonwealth, shall remain the property of the Commonwealth for the use of the said penitentiary. The superintendent shall have custody of the property of the penitentiary, real and personal, and he shall, in the name of the Commonwealth, have authority to institute and prosecute any suit or proceeding for the recovery of any such property, or its value, or for any injury thereto, which may be proper to protect the rights of the State. He shall have authority to employ the prisoners in improving and cultivating any part of the lands aforesaid, or in repairing the water-pipes and fixtures, or the roads from the penitentiary to proper points of intersection with the streets, or in taking out or bringing into the enclosure any necessary thing to or from the said city.

§ 4113. Board to prescribe rules, and so forth; how posted.—The board, with the approval of the governor, may, from time to time, prescribe rules, not contrary to law, for the preservation of the property at, and the health of the convicts in, the penitentiary, and the government of the interior thereof. Printed copies of such of the said rules as relate to the government and punishment of the convicts, and of any provisions of law which the said board, with the approval of the governor, may direct, shall be posted up in at least six conspicuous places of the interior.

§ 4114. Record of conviction of convicts and register to be kept.—The clerk of the penitentiary shall file and preserve a copy of the judgment furnished by the clerk of the court of conviction of each convict, and keep a register describing him, the term of his confinement, for what offense, and when received into the institution.

§ 4115. Appointment of committee of convict's estate.—When a person, other than a married woman having no separate estate, is sentenced to confinement in the penitentiary for more than one year, his estate, both real and personal, if any he has, shall, on motion of any party interested, be committed by the county, circuit, or corporation court of the county or corporation in which his estate, or some part thereof is, to a person selected by the court, who after giving bond before the said court, in such penalty as it may prescribe, shall have charge of said estate until the convict is discharged from confinement.

§ 4123. Male prisoners to subscribe to rules, and so forth; how refractory, and so forth, convicts provided for; disposition of insane.—Before any male prisoner shall be permitted to labor in the shops, or elsewhere out of his room, he shall make and subscribe such promise of obedience and fidelity to the rules and orders of the institution, as shall be prescribed by the board as approved by the governor, and it shall be the duty of the superintendent, as far as practicable, to provide suitable employment in separate rooms for the refractory and obstinate and for those of disordered mind, or who, for any cause,

are unfit to be congregated in the shops. If at any time there is reasonable ground to doubt the sanity of a convict, the superintendent shall report it to the governor, who shall order such convict to be brought before the circuit court of the city of Richmond, which is hereby charged with the trial of the fact as to his sanity, in the manner provided in section four thousand and thirty-two, and if the jury find him insane, he shall be transferred to one of the lunatic asylums, as provided in sections sixteen hundred and seventy-two and sixteen hundred and seventy-three, and when restored to sanity he shall be returned to the penitentiary in the manner prescribed in section four thousand and thirty-three.

§ 4124. Males and females to be kept separate; how clothed; infants.—The male and female convicts shall be kept separate from each other, and the males shall have their heads and beards close shaven, or shorn once a fortnight and oftener, if need be. Every convict shall be clothed at the public expense in a distinctive uniform for each sex, made of coarse material. An infant accompanying a convict mother to the penitentiary, or born after her imprisonment therein, shall be returned, on attaining the age of four years, to the county or city from which the mother came, to be disposed of as the county or circuit court of said county, or the hustings or corporation court of said city, having jurisdiction, may order.

§ 4133. He may also furnish them to counties to work on county roads.—The superintendent shall have authority to furnish to any county in the State, upon the requisition of the board of supervisors of such county, approved by the judge of the county or circuit court, convicts whose term of service, at the time of the application for them, does not exceed five years, to work on the county roads, under such regulations as the board of supervisors may prescribe in conformity with this chapter, and on such conditions as to safe-keeping as the superintendent and said board may agree upon: provided, that if the supervisors shall deem it best that the convicts furnished be employed on any turnpike or macadamized road in their county, the said board may so employ them, or arrange for their employment on such road with the company authorized to construct the same.

§ 4143. Punishment for misbehavior.—A convict guilty of profanity, indecent behavior, idleness, neglect or wilful mismanagement of work, insubordination, an assault not amounting to felony, or a violation of any of the rules prescribed by the board, with the approval of the governor, may, under orders of the superintendent, subject to the said rules, be punished by lower and coarser diet, the iron mask or gag, solitary confinement in a cell or the dungeon, or by stripes. Under such orders, and subject to the said rules, the superintendent may, when a convict is charged with an offense for which he is to be tried under chapters two hundred and three and two hundred and four, confine him in a cell or the dungeon until such trial.

§ 4154. Meeting of board; quorum; their duties and powers; when board may remove superintendents, and so forth, and appoint successor.—A majority of the directors shall constitute a quorum. They

shall meet regularly once a week at the penitentiary and quarterly at the prison farm, and at the first meeting in each month at the penitentiary the respective superintendents shall submit their reports, and they may meet at such other times as the respective superintendents may request or any three of the directors may think necessary. It shall be their duty once in three months to inspect the penitentiary and prison farm and make a report of their condition to the governor, which report shall embrace a synopsis of the monthly reports of the superintendents for the three months preceding said inspection. It shall also embrace a statement of the institutions as to health and general management, and such other matters as may seem to them of sufficient interest to be contained therein; and especially shall they report at any time any malfeasance in office, or manifest incompetency in the discharge of their duties, on the part of the superintendent or any other officer.

The board shall investigate any misbehavior, incapacity, neglect of official duty, or acts performed without authority of law, on the part of the superintendents or surgeons, and if in their judgment there be sufficient cause therefor, they shall forthwith remove the said officer, and at once appoint a successor to fill the unexpired term.

Said board shall have a general supervision over the penitentiary, prison farm, and the officers thereof, and see that the laws for their government are observed.

Second. The respective superintendents, for good cause, shall remove all other officers and employees of the penitentiary and prison farm, and fill their unexpired terms, subject to the approval of the board of directors.

§ 4155. Power of board in investigating; duty of clerk; how witness paid.—When an investigation is ordered by the board as to a matter concerning the penitentiary, or the conduct of persons connected therewith, the clerk of the penitentiary, by order of the board, may issue a summons, directed to the sheriff of the county of Henrico, or to the sheriff or sergeant of the city of Richmond, commanding him to summon any person to attend at the penitentiary on a certain day, to give evidence before the board, and may administer an oath to such person. The board shall have like powers, under sections thirty-three hundred and fifty-four and thirty-three hundred and fifty-five, as if it was a court whose clerk had issued the summons. And the clerk of the penitentiary shall make such entry as would, under section thirty-five hundred and forty-nine, if the attendance was before a court, be made by the clerk thereof. The sum to which the witness is entitled shall be paid out of the funds of the institution.

§ 4156. Annual inventory.—Three or more of the directors shall, at the end of each fiscal year, attend the taking of the inventories of the goods and stock on hand at the penitentiary and prison farm.

§ 4157. Annual report of board to be laid before general assembly.—The board shall annually, before the first of October, make a report to the governor, to be laid before the general assembly, showing the expense to the State of the penitentiary and prison farm

for the previous fiscal year, and their condition at the end of such year, the manner in which the rules have been executed, and their effect, and making any proper suggestions as to the discipline and organization of the penitentiary and prison farm.

§ 4159. Where superintendent may reside, his fuel, and so forth; his duties.—The superintendent may reside in one of the dwelling-houses on the penitentiary grounds fronting on Belvidere street, and shall be allowed his fuel, water, and gas. He shall be the chief executive officer of the penitentiary, and shall direct its internal police and management, subject to the control of the board of directors.

Second. The first assistant keeper may reside in the other of the two houses on said ground, and shall be allowed his fuel, water, and gas.

§ 4160. How clerk, assistant clerk, assistant superintendent, and keepers appointed; their oath; matron.—The superintendent shall appoint and may remove, subject to the approval of the board of directors, a clerk of the penitentiary and an assistant clerk, one assistant superintendent, who shall act in the place of the superintendent in his absence, also four keepers and a matron, all of whom shall take the oath of office prescribed by law for public officers.

§ 4162. The superintendent may purchase material and supplies for the penitentiary and prison farm. The respective superintendents shall, with the approval of the board, and under such regulations as it may prescribe, purchase such material and provisions as may be necessary for the penitentiary and prison farm, of which they shall keep an account showing separately the kind and quantity of material and provisions purchased, and the price thereof.

§ 4167. Employment of guard; their number and duties; how dismissed; right of guard and officers to carry weapons; absentees, and so forth.—The superintendent of the penitentiary may employ a guard not exceeding forty-nine persons as the exterior and interior guard of the penitentiary, who shall each take an oath faithfully to discharge the duties of his office, and shall perform such duties as the superintendent, subject to the control of the board, may direct. Any person so employed may be dismissed from service by the superintendent, with the approval of the board. It shall be lawful for any officer or guard to carry sufficient weapons to prevent escapes, suppress rebellion, and for self-defense, and to use the same against any convict for such purpose. The superintendent may adopt regulations, approved by the board, under which leave of absence may be granted to an officer, keeper, or member of the guard. If any absentee furnishes satisfactory evidence to the superintendent that his absence was unavoidable from sickness, his full pay may continue during such absence, not exceeding twenty days in any one year, and beyond that time at the rate of fifteen dollars per month, not exceeding three months.

§ 4168. Compensation of guard; how paid.—The compensation of the said guard shall be at the rate of fifty dollars per month for each member thereof, and their officers, other than the superintendent and the assistant superintendent, shall be fifty-five dollars per month, which

shall be paid monthly, upon the certificate of the superintendent, on the warrant of the auditor of public accounts.

The said guards shall have during the year as much as ten days' vacation, without deduction of pay, which vacations shall be on consecutive days, or at stated periods, in the discretion of the superintendent of the penitentiary, and the substitute guards shall receive the same pay when employed as the regularly-employed guards. And each guard employed at the prison farm shall have during the year fifteen days' vacation, without deduction of pay, to be on consecutive days, or at stated periods, in the discretion of the superintendent of the prison farm.

§ 4172. Superintendent may contract for employing convicts within penitentiary; contractors may erect additional shops.—The superintendent, by and with the advice and consent of the board, may enter into contracts for the employment of convicts in the penitentiary, not otherwise employed, and, as far as practicable, confine such convict labor to manufacturing purposes. Additional shops may be erected by the contractors, in the penitentiary grounds, for the employment of the convicts so hired: provided, that the State shall not incur any expense thereby.

§ 4173. Tasking convicts; how compensation for work done beyond task fixed and paid.—The superintendent, with the consent and advice of the board, may establish a system of tasking the convicts in the different wards of the penitentiary, when it can be done, and allow to any convict a reasonable compensation for work done beyond his task, which shall be placed to his credit, and paid to him when he is discharged from prison; or, if he request that a portion, or all of it, be paid to his family or near relatives, the superintendent may do so at any time during his imprisonment; or, if he so desire, it may be paid to him, from time to time, in provisions or other articles selected from a standing list, to be prepared by the superintendent, and approved by the board, said articles to be purchased by the superintendent, as provided in section forty-one hundred and sixty-two, and charged to the convicts at cost. The amount to be allowed for work done shall be fixed by the superintendent, with the approval of the board.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 202.—An ACT to amend and re-enact an act entitled "an act to provide for defending certain suits involving the validity of the Constitution, or article second thereof, brought against members of the Constitutional Convention, the governor, and other officers," approved December 20, 1902.

Approved April 30, 1903.

Whereas, certain suits have been instituted, and others may be instituted, against the governor of the State, members of the Constitu-

tional Convention, which met in Richmond on June twelfth, nineteen hundred and one, and against certain registration and election officers; and,

Whereas, appeals are now pending in the supreme court of the United States in two cases against the Virginia State board of canvassers, and other cases may be hereafter appealed to that or some other court; and,

Whereas, said proceedings are, in effect, against the State, and are intended to assail the validity of the Constitution of the State, or of article second thereof; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the governor of Virginia, with the co-operation and advice of the attorney-general, shall cause to be defended the rights and interests of the State, and of such members of said convention, and of all other officers, in all litigation of the character above specified, whether now or hereafter pending in any court of original or appellate jurisdiction; and to that end the governor and attorney-general may employ such counsel as may be deemed by them advisable to defend, and to assist the attorney-general in defending any such litigation. The sum of five thousand dollars is hereby appropriated, which sum, together with the five thousand dollars appropriated by the aforesaid act approved on December twentieth, nineteen hundred and two, shall constitute a fund which, or so much as may be necessary, shall be under the control and disbursement of the governor and attorney-general, for the purpose of carrying out the provision of this act, and also of paying such compensation as they shall approve to the special counsel who was employed by the Virginia State board of canvassers to assist the attorney-general in the circuit court of the United States for the eastern district of Virginia, in defending the two cases recently decided in that court in favor of the said board.

Accounts for compensation of counsel payable under this act shall be approved by the governor and attorney-general; and accounts for expenses of printing and other legal costs and expenses heretofore or hereafter incurred in defending such litigation, shall be approved by the attorney-general, and upon accounts so approved the auditor of public accounts shall draw his warrant upon the treasurer for the amounts called for by said accounts, payable to the persons named in such accounts as entitled to receive the same; and it shall be the duty of the treasurer to pay the said warrant out of the joint fund appropriated by the said act approved December twentieth, nineteen hundred and two, and by this act.

2. This act shall be in force from its passage.

CHAP. 203.—An ACT to prohibit the catching of blue fish in the waters of this Commonwealth by non-residents of this State; to prohibit the employment of vessels owned by non-residents for such fishing; to require a license tax on residents for such blue fishing, and to impose a penalty for the violation of this act.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person not a resident of this State to catch blue fish in any of the waters of this Commonwealth; and it shall be unlawful for any resident of this State to employ any vessel owned by a non-resident for any such fishing.

2. Any non-resident of this State violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars, nor more than one thousand dollars. Any non-resident so engaged shall be deemed guilty of a separate offense, and be subject to a separate penalty, for each boat employed by him in such fishing.

3. Any resident of this State who shall employ a vessel owned by a non-resident for the catching of blue fish in the waters of this Commonwealth shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than one hundred dollars. Any such resident so employing vessels owned by non-residents shall be deemed guilty of a separate offense for each boat so employed by him. The provisions of this act shall not, however, be construed to apply in the case of any resident of this State who has taken out a license to fish with a purse net under section two thousand and eighty-six of the Code of Virginia.

4. It shall be the duty of any resident of this State who desires to engage in the catching of blue fish in the waters of this Commonwealth to obtain a license therefor from the oyster inspector of the county in which he may reside, for which said license the said resident shall pay to the said oyster inspector two dollars and fifty cents per annum, to be paid into the treasury of the State of Virginia, and a fee of twenty-five cents to the said oyster inspector.

5. It shall be the duty of the oyster inspectors of this State to enforce the provisions of this act, and for such purpose the powers of a conservator of the peace are hereby conferred upon them; and jurisdiction is hereby conferred upon the justices of the peace of this State to determine all causes arising under this act, subject to the right of appeal to the court of the county having jurisdiction.

6. This act shall be in force from and after June first, nineteen hundred and three.

CHAP. 204.—An ACT to amend and re-enact section 2086 of the Code of Virginia, as amended and re-enacted by an act approved February 18, 1890, as amended and re-enacted by an act approved March 3, 1898, in relation to fishing in the waters of the Commonwealth; to provide for levying a license tax on fishing devices, and for the collection thereof, and to extend the provisions of said act to all the waters within the jurisdiction of the Commonwealth, as amended by an act approved March 1, 1900, and as amended by an act approved March 14, 1902.

Approved May 5, 1903.

1. Be it enacted by the general assembly of Virginia, That section two thousand and eighty-six of the Code of Virginia, in relation to license to residents to fish with purse nets, pound nets, and so forth, as amended and re-enacted by an act approved February eighteenth, eighteen hundred and ninety, and by an act approved March third, eighteen hundred and ninety-eight, and as amended by an act approved March first, nineteen hundred, and as amended by an act approved March fourteenth, nineteen hundred and two, be further amended and re-enacted so as to read as follows:

§ 2086. License of residents to fish with purse nets, pound nets, and so forth, or for crabs; their oath; license tax required; amount to be paid; how obtained; how tax collected; the object thereof; to be accounted for.—Any resident of this State desiring to fish with a purse net, pound net, fyke net, with open bays or funnel-mouth gill nets used for shad and herring fishing for market or profit, weir or other fixed device, and haul seines, hauled in other manner than by hand, in any of the waters of this Commonwealth, or waters within the jurisdiction of this Commonwealth, shall apply to the oyster inspector of the district or subdivision of the district within which the person so applying resides, except that the applicant for license to fish with a fixed device, shall apply to the oyster inspector of the district in which the fixed device is proposed to be located, and state on oath the true name or names of the person or persons applying for license, that they are and have been for twelve months next preceding, residents of this State, the place at which the net, seine, fyke, weir, or other fixed device is to be fished, and that during the period of the license they will not violate any of the laws of this State in relation to the taking and catching of fish: provided, this act shall not apply to hand lines nor to gill nets other than those aforesaid. Such oyster inspector shall thereupon grant a license to use such net, fyke, weir, or other fixed device, or haul seine hauled in any other manner than by hand, and state in such license the name or names of the person or persons who shall use the same, the place at which it is to be located or used, the season for which said license is granted, which season shall begin on the first day of February in any year, and end on the thirty-first day of January of the year following, and the amount of tax as is hereinafter provided: provided, however, that it shall be lawful for a resident of this State to employ any vessel or net owned within or without this State for the purpose of taking and catching fish: provided, that nothing in this act shall be construed to permit fishing in portions of York river prohibited by law, and in seasons prohibited by

law in said river, and in seasons prohibited by law in other sections of the State: and provided, also, that nothing in this act shall be construed to permit fishing in James river, Nansemond river, Elizabeth river, Chickahominy river, or within one mile of the mouth of either, or in the tributaries of either, or within one mile of the mouth of Lynnhaven river in any manner or with any net now prohibited by law. For granting such license the oyster inspector shall receive a fee of fifty cents for each net licensed, except where the license tax is less than three dollars the inspector shall receive a fee of twenty-five cents for each license granted.

2. Every such resident who shall apply for such license to catch or take fish from the waters of the Commonwealth, or the waters within the jurisdiction of the Commonwealth, in addition to the fee aforesaid, shall pay to the oyster inspector of such district a specific license tax, which shall be in lieu of all taxes levied upon such persons for taking and catching fish, or for selling the products thereof, as follows: On each sail vessel fishing with purse net of not more than four hundred meshes deep, five dollars; on each sail vessel fishing with purse net of more than four hundred meshes deep, twenty-five dollars; on each steam vessel fishing with purse net, one hundred dollars; on each pound net, three dollars; on each fyke, weir, or other fixed device or gill net used in shad and herring fishing for market or profit, one dollar; and on each haul seine hauled by windlass, horse, or mule power, or other power than hand or steam, five dollars; on each haul seine operated by steam power, ten dollars.

3. Any resident of this State desiring to fish for crabs with scrapes, nets or other like devices in any of the waters of the Commonwealth shall apply to the oyster inspector of the district or subdivision of the district within which the person so applying resides, and state upon oath the true name or names of such person or persons so applying, and that they are, and have been for twelve months next preceding, residents of this State. Such oyster inspector shall thereupon issue to the person or persons so applying a license for the purpose of taking or catching crabs, and the oyster inspector shall mark upon the starboard prow and foresail of such person's boat the number of such license in conspicuous figures of not less than five inches in length, preceded in all cases by the number of the oyster district and the letter C. Example: 4 C, one; 4 C, two, and so forth. For granting such license the oyster inspector shall receive a fee of twenty-five cents for each license granted, in addition to which fee the person applying for such license shall pay to the oyster inspector a specific license tax of one dollar.

4. The oyster inspector shall record in a book to be kept in his office for that purpose the name of all persons obtaining license for fishing or crabbing: the place at which the net, seine, fyke, weir, or other fixed device is to be used; the kind of net, seine, fyke, weir, or other fixed device; the amount of license tax paid, and the fines or other revenues accruing under this act; and it shall be the duty of each and every oyster inspector to furnish the board of fisheries with a monthly

report of same. If any person shall use, or set or cause to be used or set, any such purse net, pound net, fyke net, weir or other fixed device, or gill net as aforesaid, or shall haul or use any such seine, hauled in any other manner than by hand, in any of the waters of this Commonwealth or waters within the jurisdiction of this Commonwealth, without having first paid the tax and obtained the license provided for in this act, he shall be deemed guilty of a violation of the provisions thereof, and shall, for such violation, forfeit such net and other fishing devices. It shall be the duty of the inspector to report such violation to the State board of fisheries, whereupon said board shall cause some one of the commanders of the oyster police boats, or vessels, to take up all such purse nets, pound nets, fyke nets, weirs, or other fixed devices, or gill nets, as aforesaid, and sell the same at public auction, or otherwise, upon ten days' advertisement: provided, that no such sale shall be made till after twenty days from the time when such property was taken up. If any oyster inspector knowingly fail to report violations of this act, or to perform any of the duties herein required of him, he shall, for every such offense, forfeit one hundred dollars. The money collected for license taxes and from the sale of such fishing devices and boats and forfeitures from such inspectors for violation of their duties under this act shall be applied to the support of the government, but to be accounted for in the general oyster fund of the State; and the board of fisheries shall make a separate report of the subjects in this act and the revenue derived therefrom, respectively.

5. Should there be no oyster inspector for the district within the jurisdiction where such fishing or crabbing is desired to be carried on, then the duties devolving upon oyster inspectors under this act shall be performed by the commissioner of the revenue for such county or district, and such commissioner of the revenue shall be empowered to issue all licenses, in conformity with this act, to receive all fees and taxes herein provided, and shall make such report and be liable to such penalties for failure to perform the duties as are hereinbefore prescribed.

CHAP. 205.—An ACT to establish Norton school district, in Wise county.

Approved May 8, 1903.

1. Be it enacted by the general assembly of Virginia, That the following territory, which is now in Gladeville school district, in Wise county, be, and the same is hereby, constituted a school district, by the name of the Norton school district—to-wit: Beginning at a chestnut post, being the northeast corner of Spruce and Eleventh streets, and corner to plat number one of the Norton Land and Improvement Company, which plat is recorded in the office of the clerk of the said court of Wise county, in deed book twenty-six, pages one hundred and fifty-one, et cetera; thence south sixty-six degrees, west four hundred and seventy-two feet, to a point on the line dividing the lands of the Nor-

ton Land and Improvement Company and Patrick Hagan; thence with their division line south one degree forty minutes, east two thousand one hundred and ninety feet, to a white oak and poplar on the bank of Benjamin's branch, south eighty-four degrees fifty-five minutes, east two hundred and sixty-seven and seven-tenths feet, crossing the Louisville and Nashville railroad, to a dead pine, south fifty-four degrees five minutes, east three hundred and one and nine-tenths feet, to a sourwood, chestnut and locust, south six degrees twenty-five minutes, west two hundred and fifteen feet to a stake, south five degrees fifty-seven minutes, west three hundred and seventy-five and six-tenths feet to a locust, south forty-five degrees twenty minutes, west two thousand four hundred and forty-two and seven-tenths feet to a chestnut oak near the top of Stone mountain, south fifty-seven degrees seven minutes, east five hundred and forty-four and six-tenths feet to a pitch pine near a cliff of rocks and corner to the lands of the Norton Land and Improvement Company and Patrick Hagan; thence leaving the lands of Patrick Hagan, and with the dividing lines of the lands of the Norton Land and Improvement Company, north eighty-nine degrees and forty-four minutes, east three thousand nine hundred and fifteen feet to the "Lone Rock"; thence north thirty-seven degrees fifteen minutes, east five thousand and sixty-two and seven-tenths feet, passing through the lands of the Norton Land and Improvement Company and the lands of Mistress L. D. S. M. Frazier and the lands of the Virginia Coal and Iron Company; thence with their division line north sixty-seven degrees fifty minutes, east one thousand five hundred and twenty-seven and six-tenths feet to a stake; thence leaving the line of the Virginia Coal and Iron Company and passing through the lands of the Norton Land and Improvement Company north twenty-four degrees west, crossing the Norfolk and Western railroad, five hundred and eighty-seven feet to the centre of Guest's river, up the middle of said river as it meanders three thousand six hundred and twenty-four feet; thence south sixty-six degrees west, and passing through the lands of the Norton Land and Improvement Company four thousand eight hundred and twenty-two feet to a chestnut post, being the southeast corner of Tenth street and Ridge avenue, and corner to plat number three of the Norton Land and Improvement Company, which plat is recorded in the office of the clerk of the county court of Wise county, in deed book thirty-two, page thirteen, et cetera; thence following said feet to a chestnut post; north sixty-six degrees fourteen minutes, west sixty-two and five-tenths feet to a chestnut post, north eighty-three degrees twelve minutes, west two hundred and eighty and twelve one-hundredths feet to a chestnut post, south thirteen degrees twenty-seven minutes, east two hundred and forty-five and three one-hundredths feet to a chestnut post; north sixty-six degrees fourteen minutes, west three hundred and ninety-five and twenty-five one-hundredths feet to a chestnut post, south twenty-three degrees forty-six minutes, west one and fifty feet to a chestnut post, said post being on a line of said plat number one; thence following said plat number one north sixty-six degrees fourteen minutes, west fifty-seven and five-tenths feet to the beginning.

2. The trustees of the said district shall be appointed in the manner provided by law for the appointment of district school trustees, and shall, in addition to the duties imposed by law on district school trustees, ascertain and report to the board of supervisors of Wise county the rate of taxation desired to be levied for district school purposes in said district on the real and personal estate therein: provided, said rate of taxation shall not exceed five mills on the dollar in any one year.

3. The clerk of the board of trustees shall transmit to the board of supervisors of Wise county a copy of the order ascertaining the rate of taxation as aforesaid, which order shall be signed by the chairman of the board, and also attested by its secretary. The board of supervisors for Wise county shall in its discretion lay a levy for district school purposes for said district of the amount ascertained as aforesaid by the trustees.

4. The trustees may, if they deem it necessary, apply the money collected under the provisions of this act to the payment of salaries of teachers in said school district as well as to district school purposes.

Nothing contained in this act shall relieve the Norton school district as hereby constituted from paying its pro rata share of the bonded indebtedness of Gladeville school district incurred for the purpose of building the public school-house in the town of Norton.

5. This act shall be in force from its passage.

CHAP. 206.—An ACT to amend section 3 of an act amending the charter of the town of Norton, in Wise county.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That section three of the amended charter of the town of Norton (acts nineteen hundred and one and nineteen hundred and two, page four hundred and thirty-four), be amended and re-enacted so as to read as follows:

§ 3. The said town shall be divided into two wards, that portion of the town lying east of Ninth street on Park avenue and running in the same course and direction north and south to the north and south boundary lines of the corporation shall be known as the East ward, and that portion of said town lying west of said line shall be known as the West ward. The government of said town shall be vested in a mayor, recorder, treasurer, sergeant and six councilmen, and such other officers as may be provided for by the mayor and council. Three councilmen shall be elected from each ward, and the mayor and councilmen shall compose the said town council. That until their successors in office shall be duly elected and qualified, M. D. Carter, S. N. Taylor and Thomas W. Comann shall be councilmen for the West ward, and T. M. Pepper, J. B. Casper, and W. B. Ford shall be councilmen for the East ward of said town.

2. This act shall be in force from its passage.

CHAP. 207.—An ACT to amend and re-enact an act entitled an act to create and maintain a State board of crop pest commissioners and to define its duties and powers, approved March 5, 1900.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to create and maintain a State board of crop pest commissioners, and to define its duties and powers; approved March fifth, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 1. The board of control of the Virginia agricultural experiment station is hereby created a State board of crop pest commissioners, with power and duties as hereinafter provided. It shall be the duty of the said board to appoint a competent person as State entomologist and plant pathologist, hereinafter called State entomologist, and such assistants as may be necessary, who shall, acting under the authority of the said board, be charged with and perform such duties as are hereinafter specified. The board of crop pest commissioners shall, from time to time, after due consideration, prepare a list of such dangerously injurious insect pests and diseases of plants as may properly within its judgment and the judgment of the State entomologist be controlled or eradicated, and they shall cause such list to be published, along with particular specifications as to the nature and appearance of and the manner in which the said pests are generally disseminated. The board of crop pest commissioners shall, at the same time, provide rules and regulations under which the State entomologist shall proceed to investigate, control, eradicate and prevent the dissemination of the said pests as far as may be possible, and these rules and regulations shall have the full force and effect of law so far as they conform to this act and the general laws of this State and of the United States; and any person, firm or corporation who fails or refuses to comply with the orders or directions issued in writing under regulations provided by the board of crop pest commissioners shall, upon conviction thereof, be fined in the sum of not less than ten nor more than twenty-five dollars for each such failure or refusal: provided, that all prosecutions under this act shall be by indictment, presentment or information in the circuit court of the county or corporation court of the city in which the person, firm or corporation proceeded against is then resident.

§ 2. The board of crop pest commissioners shall have power to provide quarantine rules and regulations concerning the sale and transportation of all plants, or parts of plants, commonly known as nursery stock, within the State. They shall also have power to provide like rules and regulations in regard to all plants or parts of plants commonly known as nursery stock, entering this State from without, and these rules and regulations shall be enforced by the State entomologist or his duly authorized assistants.

§ 3. It shall be the duty of this board to provide for the annual inspection of all nursery stock grown within the State prior to October first of each year by the State entomologist or his assistants, who shall issue a certificate of freedom from insect pests and plant diseases to the owners of all nurseries found entitled to the same, and they shall further pro-

vide regulations under which nursery stock brought into the State may be sold under the above provided certificates, and in accordance with the further provisions of this act. It shall be unlawful after the promulgation of the rules and regulations provided for in this act for any person, persons, corporation or common carriers to transport by land or water, plants or parts of plants commonly known as nursery stock, in violation of the same, and every such offense shall constitute a misdemeanor and upon conviction thereof, the person, persons, firm or corporation or common carrier so convicted shall be fined in the sum of not less than fifty dollars nor more than one hundred dollars for each and every violation of this act.

§ 4. The State entomologist, or any of his assistants, or a local inspector as hereinafter provided for, shall have power under the rules and regulations of said board to determine the nature and method of the treatment to which any infested plants shall be subjected, and he shall report his findings in print or writing, giving reasons therefor, to the owner of the infested plants, his agents or tenants, and a copy of such report shall be submitted to said board, and there shall accompany each and every such report specific directions as to the treatment of the infested plants, which directions may be in print or writing. In case of objection to the finding of the State entomologist or an assistant or local inspector, an appeal shall lie to the said board, whose decision shall be final; such appeal must be taken within seven days from the receipt of the report, and shall act as a stay of proceedings until it is heard and decided.

§ 5. Upon the receipt of the report of the State entomologist, an assistant or local inspector, the treatment prescribed shall be executed at once (unless an appeal is taken) under the supervision of the local inspector, the cost of material and labor to be borne by the owner of the premises.

§ 6. In case any person, firm or corporation fail or refuse to execute the directions of the State entomologist, an assistant or local inspector, or of the said board after an appeal, the judge of the circuit court of the county or corporation court of the city in which such person, firm or corporation are then residents shall upon complaint filed by the State entomologist or an assistant or local inspector or by any freeholder, cite the person, firm or corporation to appear before him at the first regular session of the circuit or corporation court or in vacation, and upon satisfactory evidence of such failure or refusal shall cause the prescribed treatment to be executed, and the expense thereof and cost of court shall be collected by execution from the owner or owners of the infested plants, and any judgment of the court entered against any person, persons, firm or corporation in any such cause shall be a lien upon all real estate owned in whole or in part by any such person, persons, firm or corporation.

§ 7. The said board of crop pest commissioners, its agents or employees, are hereby empowered with authority to enter upon any premises and to examine all plants and trees whatsoever in discharge of the duties herein prescribed. Any person, persons, firm or corporation who shall obstruct or hinder them or their agents in the discharge of their duty shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be

fined not less than twenty dollars nor more than fifty dollars for each such offense.

§ 8. It shall be unlawful to deliver or give away within the boundaries of this State plants or parts of plants commonly known as nursery stock which have not been duly inspected in accordance with the provisions of this act and carry plainly attached to each carload, box, bale, and package a copy of a certificate as herein provided, except that in case of nursery stock shipped into the State from without, the board of crop pest commissioners shall provide by regulation for the acceptance of proper certificates from other States, and when so accepted shall issue an official tag designating the fact, and nursery stock carrying the same may be reshipped under the certificate above provided for.

Each and every violation of this section shall constitute a misdemeanor, and upon conviction thereof every person, persons, firm or corporation so convicted shall be fined in a sum not less than twenty-five dollars nor more than fifty dollars. This section, shall not be so construed as to affect the action of common carriers in the transportation of nursery stock under the provisions of interstate commerce.

§ 9. Upon a petition signed by ten freeholders of any city, county or magisterial district, it shall be the duty of the State entomologist, in person or by an assistant, to make a preliminary investigation of the locality from which the petition is received, to ascertain if any trees or plants be infested with the insect known as the San Jose scale. If, upon such preliminary investigation, it shall appear that the San Jose scale is present in the territory examined, the State entomologist shall appoint a local inspector, and order a full inspection of such city, county or magisterial district to discover and locate all infested premises; and the local inspector shall report the results of such further inspection to the owners of all infested premises, and to the board of supervisors of the said county or the city council of said city, giving the location of all said infested trees and plants, and the extent of infestation in each case, and make specific recommendations in accordance with the instructions furnished him by the State entomologist, which instructions may be printed or written.

§ 10. The board of supervisors of any county or city council of any city in which a local inspector has been appointed shall fix the compensation of such local inspector, whose pay, however, shall not in any case be less than one dollar and fifty cents for each day's work, and said local inspector shall file before the said board of supervisors or city council from time to time an itemized account of the expenses and costs incurred in the performance of his duties, and a statement of the days actually occupied in the performance of the duties hereinbefore prescribed, and the same shall be allowed him and paid as other claims against the county, or city, not to exceed two hundred and fifty dollars in any one year. But the board of supervisors of any county or the council of any city may appropriate any sum in excess of two hundred and fifty dollars which it may deem proper. The sum appropriated in any year in excess of the actual requirements for such year shall not be considered as an appropriation for any subsequent year.

§ 11. It shall be the duty of the State entomologist, either in person

or by an assistant or local inspector, to supervise and direct the execution of any recommendations made under the provisions of section two of this act, and all expenses of treatment, control and eradication of any infested trees or plants shall be borne by the owner of the premises upon which the same are located, as provided for in sections four and five of this act.

§ 12. From and after the first day of September, nineteen hundred and three, it shall be unlawful for any person, persons, firm or corporation, either for himself or as agent for another, to offer for sale, sell, deliver or give away, within the bounds of this State, any plants or parts of plants commonly known as nursery stock unless such person, persons, firm or corporation shall have first procured from the auditor of public accounts a certificate of registration, which certificate shall contain such rules and regulations concerning the sale of nursery stock as the board of crop pest commissioners may prescribe and be approved and countersigned by the State entomologist, who shall have full power, and is hereby authorized and required to cancel and withdraw any certificate upon satisfactory evidence that any of the rules and regulations governing the sale of nursery stock within this State have been violated by the holder of the same. The auditor of public accounts shall not issue any certificate of registration except upon the payment of the sum of twenty dollars, and shall forward all certificates to the State entomologist for his approval before allowing the same to the party making application therefor, and all such certificates as may be granted shall expire and become null and void one year from date of issue thereof, and any person, persons, firm or corporation, either for himself or as an agent for another, who shall sell, offer for sale, deliver, or give away any plants or parts of plants commonly known as nursery stock without having in his possession a certificate of registration as herein provided for, or without exhibiting a copy of the same to each and every person to whom he shall sell or offer to sell, deliver, or give away any such plant, or parts of plants, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each such offense.

§ 13. The auditor of public accounts shall set aside and reserve all moneys coming into his hands in pursuance of the provisions of section twelve of this act, and shall from time to time draw his warrant for the same in favor of the State entomologist in payment for services and expenses incurred in the inspection of the various nurseries in this State, and the inspection of nursery plants sold by agents representing nurseries from without this State.

§ 14. There is hereby appropriated from any moneys in the State treasury not otherwise appropriated the sum of six thousand dollars per annum for the purpose of defraying the expenses of the execution of this act, and the auditor of public accounts of the Commonwealth is hereby directed to draw his warrant upon the treasurer of the same for this sum, or such part thereof as may be necessary until the said sum of six thousand dollars per annum be expended, upon the filing with him of properly itemized vouchers certified by the chairman of said board of crop pest commissioners. The said board shall cause to

be made a biennial report to the governor of the State, giving in detail its operation and expenditures under this act.

2. The acts of assembly known as the San Jose scale law, approved March fifth, eighteen hundred and ninety-six, and as amended and approved February twenty-eight, eighteen hundred and ninety-eight, and as further amended by an act approved March twenty-eight, nineteen hundred and two, and all other acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 208.—An ACT providing that all dogs in this State which have been assessed with a license tax pursuant to an act entitled "an act to amend and re-enact chapter 402 of the acts of assembly, session 1901-'2, entitled an act to protect sheep and other stock in the counties of the State, and to amend the title thereof so as to provide for imposing a license tax on dogs," approved February 12, 1903, upon which said license tax is not delinquent, or which have been assessed with a license tax or other tax pursuant to any ordinance of any incorporated city or town of this State now or hereafter having municipal law providing for or imposing a license tax or other tax on dogs, or pursuant to any special dog tax law of any county, and upon which said license tax or other tax is not delinquent, shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass; and repealing section 499 of the Code of Virginia as amended and re-enacted by an act entitled "an act to amend and re-enact section 499 of the Code of Virginia in relation to the listing of dogs for taxation," approved March 7, 1900, and sections 500 and 501 of the Code of Virginia, and all other acts or parts of acts inconsistent herewith.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That all dogs in this State which have been assessed with a license tax pursuant to an act entitled an act to amend and re-enact chapter four hundred and two of the acts of assembly, session nineteen hundred and one and nineteen hundred and two, entitled an act to protect sheep and other stock in the counties of this State, and to amend the title thereof so as to provide for imposing a license tax on dogs, approved February twelfth, nineteen hundred and three, upon which said license tax is not delinquent, or which have been assessed with a license tax or other tax pursuant to any ordinance of any incorporated city or town of this State, now or hereafter having a municipal law providing for or imposing a license tax or other tax on dogs, or pursuant to any special dog tax law of any county, and upon which the said license tax or other tax is not delinquent, and no other dogs shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass, but it shall not be necessary in any prosecution under this act to prove that the accused had knowledge that any such dog had been so assessed with any such license tax or other tax, or that the same was not delinquent.

2. Section four hundred and ninety-nine of the Code of Virginia, as amended and re-enacted by an act entitled "an act to amend and re-enact section four hundred and ninety-nine of the Code of Virginia, in relation

to the listing of dogs for taxation," approved March seventh, nineteen hundred, and sections five hundred and five hundred and one of the Code of Virginia, and all other acts or parts of acts inconsistent with this act are hereby repealed, but the board of supervisors of any county having a special dog tax law may, in their discretion, provide that this act shall not apply to the dog assessed for taxation within their said county.

3. This act shall be in force from its passage.

CHAP. 209.—An ACT to fix the terms of the judges of the corporation courts for the cities of Bristol, Radford, and Buena Vista.

Approved May 9, 1903.

Be it enacted by the general assembly of Virginia, That the terms of the judges of the corporation courts for the cities of Bristol, Radford, and Buena Vista, to be elected in accordance with the provisions of the Constitution, shall be eight years, beginning February first, nineteen hundred and four, unless the said court shall be sooner abolished.

CHAP. 210.—An ACT to create a board of sinking fund commissioners for the town of Gladeville, in Wise county.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That there shall be a board of sinking fund commissioners for the town of Gladeville, in Wise county, to be composed of three competent and suitable citizens of said town, who shall be appointed by the council for the said town. The said commissioners shall hold office for the term of two years, and shall execute bond in such penalty as may be fixed by the council of said town, conditioned for the faithful performance of their duties, and shall, within thirty days after their appointment, qualify by taking the oath required of other municipal officers. Vacancies in the said board may be filled by the council of said town, and the said commissioners may be removed for the same cause and in the same manner that other municipal officers are removed.

2. The said board shall elect one of their number president and another secretary, and shall elect or appoint a treasurer, but one member may act as secretary and treasurer at the same time; said board shall require the treasurer to execute bond in a sufficient penalty to cover all moneys and securities which shall go into his hands. The three commissioners appointed under this act shall be a corporation under the name of the board of sinking fund commissioners of Gladeville, and by that name shall sue and be sued, and exercise all the powers necessary to fully carry out the provisions of this act.

3. Whenever the said board of sinking fund commissioners shall have

organized and appointed a treasurer and said treasurer shall have executed a bond, it shall be the duty of the sergeant or treasurer of said town to turn over to said treasurer of said sinking fund commissioners all moneys in his hands which have been levied and collected for the purpose of paying the interest and principal of the bonds of said town, and shall thereafter pay to the treasurer of the board of sinking fund commissioners all money which shall be from time to time levied and collected for the payment of interest or principal upon the bonded debt of said town. The receipts of the treasurer of the board of sinking fund commissioners shall be credited to the treasurer of said town in his settlements with the council of said town. The council of said town shall deliver to the board of sinking fund commissioners all evidences of debt and securities in which any money of the said town heretofore levied as a sinking fund has been invested, and the board of sinking fund commissioners shall thereafter have full custody and control thereof, with the power to sell, assign, transfer and collect all sums of money due or to become due upon any investments of said sinking fund heretofore or hereafter made.

4. Out of the funds so paid over to it by the treasurer of said town, the board of sinking fund commissioners shall pay the interest accruing upon the bonds of the said town, and the balance of the money in their hands shall be invested in mortgages or other interest bearing or dividend paying securities, which, in their judgment, are safe and not liable to fluctuation. The said board shall have the power to collect or sell any securities and reinvest the proceeds in other securities, collect and reinvest the interest, control, manage, and dispose of the money and securities held by it, as it may determine to be for the best interest of the said town.

5. The board of sinking fund commissioners shall keep a journal, upon which shall be entered all its proceedings. Two members of the said board shall constitute a quorum for the transaction of business, but no action shall be valid unless the same is concurred in by at least two members of the board. Should the amount levied for the payment of interest upon the bonded debt of said town not be available at the time such interest is due the board of sinking fund commissioners shall have the power to borrow temporarily upon the credit of said town a sufficient amount to pay such interest promptly.

6. This act shall be in force from its passage.

CHAP. 211.—An ACT to authorize the city of Petersburg to acquire land necessary to construct a channel for diverting the freshet water from the Appomattox river at Petersburg, Virginia, so as to improve the harbor and channel of said river.

Approved May 9, 1903.

Whereas, the city of Petersburg, in order to keep the Appomattox river in a navigable condition, and its harbor fit for the entry of vessels employed in commerce with its citizens, is, and has for a long time been, subjected to a large and burdensome annual charge in deepening and cleaning out the harbor and channel of said river at and below said city,

and in removing therefrom large quantities of sand and other matter deposited therein by every freshet in said river; and,

Whereas, it is believed that the freshet water of said river can be successfully diverted from its present channel through a depression known as the old channel, beginning at a point on the north side of said river opposite said city and extending to the mouth of Old Town creek, where it re-enters the said river, and in that case the present channel between the points aforesaid, and the harbor at said city, can be made of such depth and width as may be desirable and necessary, to the great advantage of said city and its citizens, without the danger of being refilled by freshets as heretofore has been the case; and,

Whereas, the United States government has recently made an appropriation sufficient to accomplish this result, and is now ready to begin the work, provided the said city will acquire the land and rights wanted for the purpose, but the said city has now no power to do so; therefore,

1. Be it enacted by the general assembly of Virginia, That the city of Petersburg be, and it is hereby, authorized and empowered to acquire by purchase or condemnation such land as may be wanted for constructing a channel to divert the freshet water from the Appomattox river at a point to be selected by it on the north side of said river opposite said city, along or near the depression commonly called the old channel, to the mouth of Old Town creek, where said depression again enters the river, including land belonging to the Atlantic Coast Line Railroad Company, the Norfolk and Western railway and any other corporation, as well as that of natural persons; and said city shall have power to make such contracts with said railroad companies, or other corporations, as it may deem proper or necessary, with respect to the building, maintenance or use of a railroad bridge across the channel so to be constructed, and of a bridge or dam across the Appomattox river, or either of them.

2. The said city shall have power, for the purpose of diverting the freshet water from said river into the channel so to be constructed, to erect a dam of such character and height as it may deem proper across the said river, at such a point as it may select between Pocahontas bridge, at the head of navigation, and the bridge of the Virginia Passenger and Power Company.

3. This act shall be in force from its passage.

CHAP. 212.—An ACT to amend and re-enact an act approved May 10, 1887, authorizing and making provision for the leasing and operating of the New London Academy as a public free school for the benefit of the counties of Bedford and Campbell, entitled an act to authorize the trustees of New London Academy to lease said buildings to county superintendents of schools of Bedford and Campbell counties for school purposes.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and seventy-four of the acts of the extra session of eighteen hundred and eighty-seven of the general assembly, entitled an act to authorize

the trustees of New London Academy to lease said buildings to county superintendents of schools of Bedford and Campbell counties for school purposes, be, and the same hereby is, amended and re-enacted so as to read as follows:

Whereas, the trustees of New London Academy, in the county of Bedford, incorporated by act of assembly approved seventeen hundred and ninety-five, and amended eighteen hundred and forty-two, desire to lease said academy, and the appurtenances thereto, and a part of the revenue accruing from a fund for the support of said academy, held by them as trustees, to the county superintendents of public free schools in the counties of Bedford and Campbell, for the purpose of establishing a public free school, to embrace a high school, in which shall be taught a complete academic course, free of tuition charges, to such advanced white pupils in the said counties as may be designated by the board of managers provided for in this act; and also a primary department of equal grade with the common free schools of said counties for white pupils living within said counties; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the trustees of the New London Academy be, and they are hereby, authorized and empowered to lease for a term of years to the county superintendents of schools of the counties of Bedford and Campbell, and their successors in office (who are hereby authorized and empowered to contract and act hereunder), the buildings and premises of said academy, and to pay over such portion of the revenue belonging to said academy as may be agreed upon by the parties to the lease, to the order of a board of managers to be composed of the county superintendents aforesaid, and one of the trustees of the academy. Any change may be made at any time in the terms of said lease by the consent of a majority of the parties thereto (but said majority must include the trustees of said academy), and said lease may, from time to time, be renewed at the option of said majority, so including said academy trustees: provided, however, that in case either superintendent shall feel aggrieved at the action of such majority in so altering the terms of the lease, or in renewing the same, such superintendent shall have a right to appeal to the State board of education, who are empowered to, and shall, finally decide upon and adjust in such manner as shall seem to it right, the issues and differences so appealed to it. For the purposes of this act, there shall be considered to be three parties to said lease, the superintendent of schools of Bedford county being one party, the superintendent of Campbell county another, and the board of trustees of the New London Academy being the third.

2. It shall be the duty of the board of managers to establish, as soon as practicable, the schools described in the preamble to this act, under such rules as may be sanctioned by the State superintendent, to whom reports shall be made showing the collections and disbursements of funds, and so forth, and said school shall be subject to the lawful authority of said superintendent.

3. The superintendents of the counties of Bedford and Campbell, respectively, shall set apart a sum for the maintenance of said high school, which shall not exceed one-half of one cent on one hundred dollars of tax-

able property, or one-twentieth part of the county levy for public school purposes in any one year, said sum in each year to be determined by the board of managers. The said sum thus set apart shall be paid out of the respective treasuries upon warrants drawn by the county superintendents, and attested by the clerk of the board of managers.

4. The pay of the clerk of the board of managers shall be two dollars per day for each meeting of the board.

5. At the end of each month, or at periods fixed by the board of managers, the said superintendents shall notify the clerks of their respective school boards of the amounts due as tuition from that board, which charge for tuition shall not exceed one dollar and fifty cents per month per pupil. The warrants drawn by the district boards for their tuition fees shall be made payable to the board of managers.

6. This act shall be in force from its passage.

CHAP. 213.—An ACT to appropriate the sum of \$7,500, or so much thereof as may be necessary to pay the per diem mileage and other expenses of the joint committee on final revision and adjustment of the statutes.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the treasury not now otherwise appropriated, for the purpose of defraying the per diem mileage, clerical, and other necessary expenses of the joint committee on final revision and adjustment of the statutes; and the auditor of public accounts is hereby authorized and directed to pay out said sum of seven thousand five hundred dollars, or so much thereof as may be necessary, upon a warrant, or warrants, properly and duly signed by the chairman of said joint committee on final revision and adjustment of the statutes.

2. This act shall be in force from its passage.

CHAP. 214.—An ACT to amend and re-enact section 3960 of the Code of Virginia, as amended by acts 1895-'6, page 365, in relation to bail.

Approved May 9, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and sixty of the Code of Virginia, as amended by acts eighteen hundred and ninety-five and eighteen hundred and ninety-six, page three hundred and sixty-five, be amended and re-enacted so as to read as follows:

§ 3960. Bail; when allowed, and by whom.—A justice before whom a person is charged with an offense not punishable with death or confinement in the penitentiary or of which, if it be so punishable only a light

suspicion of guilt falls on him, may, pending examination before him, or upon committing such person for trial, admit him to bail. If the offense be so punishable, and there is good cause to believe such a person guilty, he shall not be let to bail by any justice, nor shall any person in jail under an order of commitment be admitted to bail by any justice, except the one committing him, nor in a less sum than was required by said order. But a court, or a judge thereof in vacation, in which any person is held, and to be tried for, a criminal offense may, upon motion before said court, or upon a petition to the judge thereof in vacation, hear testimony and admit such person to bail before conviction, and when such petition is filed before such judge in vacation, he shall at once order such person to be brought before him, that he may hear the petition for bail; if a circuit court or a judge thereof in vacation refuses to admit said person to bail, or require excessive bail, then the supreme court of appeals, or any one judge thereof in vacation, upon petition of said person, shall at once order him to be brought before said court or judge in order that a motion may be made to admit him to bail, and upon such motion the said supreme court of appeals, or judge thereof in vacation, may hear testimony and admit him to bail or remand him to jail. If bail be refused or excessive bail be required of such person by a corporation court, or the judge thereof in vacation, then the supreme court of appeals, or any one judge thereof in vacation, upon the petition of said person shall at once order him to be brought before said court or judge in vacation, in order that a motion may be made to admit him to bail, and upon such motion said court or judge in vacation shall hear testimony and admit him to bail, or remand him to jail. No other court or judge shall admit a person accused of a criminal offense to bail otherwise than is hereinbefore provided, except that such person may be admitted to bail under section three thousand nine hundred and sixty-one of the Code of Virginia, and except also as hereinafter provided. A bail commissioner of any county shall have the same powers to admit to bail as the circuit court of his said county, or the judge thereof would have, if application as hereinbefore provided should be made to said court or judge: provided, no application may be made to said bail commissioner after said court or judge has acted upon the application for bail or pending proceedings before said court or judge to obtain bail. If the bail commissioner shall refuse to admit to bail or require excessive bail, then application may be made to said court or judge, and the same proceedings may be had as if application had been made in the first instance to said court or judge. If said bail commissioner and the judge of said court be incapable for any reason from hearing said application, then application may be made to the bail commissioner of an adjoining county to the one in which said applicant is held for trial, and if bail be refused, or excessive bail be required by said commissioner, then application may be made to the circuit court in which said applicant is held for trial, or the judge thereof in vacation, as hereinbefore provided, unless the said incapacity continues to exist, in which case application may be made to supreme court of appeals, or a judge thereof in vacation, as hereinbefore provided in cases where the said circuit court, or the judge thereof in vacation, had refused to admit to bail, or had required excessive bail. If

such applicant for bail is held for trial in a corporation court, and said court is not in session, and the judge thereof is sick or absent from the city, then the proceedings to secure bail which would have been proper as hereinbefore stated, before such court or the judge thereof in vacation, shall be allowed before the nearest circuit or corporation court, or the judge thereof in vacation, to the city in which such person is held for trial. Upon the refusal of said court or judge to admit to bail, or upon excessive bail being required, like proceedings may be had in the supreme court of appeals, or before a judge thereof in vacation, as if the action had been by the court in which such person is held for trial. Any bail commissioner, or any court or judge thereof in vacation, to whom application is made as herein provided, shall at once order said person held for trial to be brought before said commissioner, court or judge, and upon motion shall hear testimony and admit to bail or remand him to jail.

The fees of said commissioner shall be double those of a justice of the peace for the trial of a criminal case, and shall be paid as those of a justice for a criminal trial are paid.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 215.—An ACT to repeal an act entitled an act to provide for opening, building, and keeping in repair the public roads and bridges in Patrick county, approved March 7, 1900.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for opening, building, and keeping in repair the public roads and bridges in Patrick county, approved March seventh, nineteen hundred, be, and the same is hereby, repealed.

2. This act shall take effect on and after July first, nineteen hundred and three.

CHAP. 216.—An ACT to prevent the delivery within the limits of any local-option district in Warren, Tazewell, and Giles counties, having voted against the license or sale of intoxicating wines, malt ardent spirits, intoxicating liquors or drinks, unless the same be in sealed receptacle or package, and labeled at time of delivery within, and sale without, for delivery within such district.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That no intoxicating wine, malt, ardent spirits, or liquors of any kind whatsoever shall be delivered within, or sold without for delivery within the limits of any local option district in Warren, Tazewell and Giles counties having voted against the license or sale thereof, unless the same shall have been put by the seller thereof in a receptacle or package sealed and labeled with a label placed thereon by the seller, showing the name of the seller, the

date and place of the sale, the quantity and kind sold, the price paid therefor, the name of the purchaser, and the local option district where the same is to be delivered, and unless the same be contained in said original receptacle or package so sealed and labeled at the time the same enters such district, and at the time of its delivery to the purchaser in said local option district having voted against the license or sale of intoxicating wines, malt, ardent spirits, liquors, or drinks.

2. Any person violating this act, or any of the provisions thereof, shall be deemed guilty of a misdemeanor and fined not less than twenty dollars, or more than five hundred dollars, or imprisoned not less than ten days, nor more than ninety days in the jail of the county in which said delivery was made, or both fined and imprisoned, as aforesaid, in the discretion of the court or jury, for each offense.

3. This act shall not apply to any delivery of any such intoxicating wine, malt, ardent spirits, or liquor made by the seller to the buyer in person outside of the limits of any such local option district; but if the delivery be to the agent of the purchaser, or to any other person than the buyer himself, for delivery within the said local option district, this act shall apply, and all its provisions must be complied with, under the penalties prescribed.

4. This act shall be in force from its passage.

CHAP. 217.—An ACT to provide for the special and separate assessment of taxes on mineral lands and on the improvements, fixtures, and machinery thereon.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia as follows: The several commissioners of the revenue in this State shall, on or before the first day of August, nineteen hundred and three, and every second year thereafter on or before the fifteenth day of May, specially and separately assess at the fair cash value all mineral lands, and the improvements, fixtures, and machinery thereon, within their respective districts, and shall enter the same on the land books of their respective districts separately from other lands charged thereon, and shall extend the taxes upon said lands, improvements, fixtures, and machinery, assessed as aforesaid, at the rate fixed by law upon tangible property.

2. The commissioner, in assessing mineral lands, shall set forth upon the land book, first, the area and the fair cash value thereof, first of such portion of each tract which is improved and under development; second, the fair cash value of the improvements, fixtures, and machinery upon each tract; and, third, the area and the fair cash value of such portion of each tract as shall not be under development. If the surface of the land is held by one person, and the coal, iron, minerals, mineral waters, gas or oils under the surface be held by another person, the estate therein of each, and the relative fair cash value of their respective interests shall be ascertained by the commissioner. If the sur-

face of the land and the coal, iron, minerals, mineral waters, gas or oils under the surface be owned by the same person, the commissioner shall ascertain the fair cash value of the land, inclusive of the coal, iron, minerals, mineral waters, gas or oils, and assess the same at such ascertained value.

3. The several commissioners shall, on or before the first day of August, in the year nineteen hundred and three, and on or before the fifteenth day of May, in every second year thereafter, certify a copy of such assessment made in their respective districts of mineral lands, or mineral rights, as aforesaid, to the State Corporation Commission, with the name and postoffice address of each person, firm or corporation in whose name any such lands or interests therein shall have been assessed upon the land book of his district, with the amount of tax extended thereon. Upon receiving the report of such commissioner, the State Corporation Commission shall examine into the justice of any such assessment, and if it shall appear to the commission that any tract of land, or any part thereof, or the improvements, fixtures or machinery thereon, or any right or interest in the same, or any part thereof, has not been assessed at its fair cash value, the said commission shall direct the attorney for the Commonwealth for the county or corporation wherein such land or interest therein so assessed is situated, or any other special attorney it may designate, to apply, in the name of the Commonwealth, to the circuit court of the said county or corporation court of said city, to have said assessment corrected, which court shall have jurisdiction for the purpose. Any person feeling himself aggrieved by the assessment of his lands or interests therein hereunder may, at any time prior to the first day of February next succeeding, apply to the circuit court of the county or corporation court of the city in which the land lies, to have said assessment corrected. The proceedings upon any such application shall conform to sections five hundred and sixty-seven and five hundred and sixty-eight of the Code, and all amendments thereof, except so far as in conflict herewith: provided, that the Commonwealth and the person whose property is assessed shall have the right of appeal from the decision of said circuit or corporation court to the supreme court of appeals. The said State Corporation Commission, for the purpose of this act, may make, or cause to be made, such examination of the said lands or improvements, fixtures, and machinery thereon, as it may deem necessary, and may summon and compel the attendance of witnesses, and call for such information and require the production of such books and papers as it may deem necessary in the premises.

4. All acts or parts of acts in conflict with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 218.—An ACT to amend and re-enact an act entitled an act to require city street railway companies to run vestibule fronts on all cars on their lines during the months of December, January, February, and March of each year, approved February 1, 1898, as amended and re-enacted by an act in effect from and after December 24, 1899, so as to require said railway companies to run vestibule fronts on all motor cars on their lines during the months of November, December, January, February, March, and April of each year.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact an act entitled an act to require city and street railway companies to run vestibuled fronts on all cars run on their lines during the months of December, January, February, and March of each year, approved December twenty-fourth, eighteen hundred and ninety-nine, be amended and re-enacted as follows:

§ 1. Be it enacted by the general assembly of Virginia, That all urban, inter-urban, and suburban electric railway companies be, and they are hereby, required to use vestibuled fronts on all motor cars run, operated or transported by them on their lines during the months of November, December, January, February, March, and April of each year: provided, that such vestibuled fronts need not be used on open summer cars run, operated or transported by them, during the months of November and April, and provided, that said companies shall not be required to close the sides of said vestibules, and any such company refusing or failing to comply with said requirement shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense.

2. This act shall be in force from its passage.

CHAP. 219.—An ACT to amend and re-enact section 35, chapter 4, of an act entitled an act to provide a new charter for the town of Wytheville, approved February 26, 1886, as amended and re-enacted by an act approved March 1, 1898.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-five, chapter four, of an act entitled an act to provide a new charter for the town of Wytheville, approved February twenty-sixth, eighteen hundred and eighty-six, as amended and re-enacted by an act approved March first, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 35. General duties and powers.—The treasurer may be required to keep all moneys in his hands belonging to the town in such place or places of deposit as the council may provide by ordinance, order, establish, or direct. Such money shall be kept separate and distinct from his own money. And he is expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody or keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to imme-

ciate removal from office. In case of his removal, the town council shall elect a qualified person to fill said office for the unexpired term. The said treasurer is empowered to select one or more persons as his deputy or deputies, as the case may be, to assist him in collecting the revenues from all sources of taxation, and so forth, within the said town of Wytheville, for its use and benefit, and be wholly responsible to said town for their official acts.

The treasurer shall receive such compensation as is now provided by the council: provided, that he shall not receive an amount greater than one thousand dollars per annum for his services in collecting taxes, including water and light tickets: and provided, further, that he shall not receive more than fifty dollars per annum for the water and light tickets of the town. No person shall be allowed to qualify a second time as treasurer unless, and until, he shall satisfactorily settle his accounts as treasurer for the preceding term, and if such settlement be not made on or before the regular time for his entering upon the duties of another term, the office shall be considered vacant, and the vacancy shall be filled as hereinbefore provided.

2. This act shall be in force from its passage.

CHAP. 220.—An ACT to provide for vesting in the circuit court of Albemarle county, or the judge thereof, on and after February 1, 1904, the jurisdiction and powers now by law vested in the county court of Albemarle county, or the judge thereof, in relation to the Miller Manual Labor School, of Albemarle county.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That all of the jurisdiction and powers now by law invested in and exercised by the county court of Albemarle, or the judge thereof in vacation, over the Miller Manual Labor School of Albemarle, or in connection with the government, control, and management thereof, be, and the same are, vested in and conferred on the circuit court for Albemarle county, and the judge thereof in vacation, on and after the first day of February, nineteen hundred and four; and the compensation for said duties and services shall, after the date aforesaid, be paid to the judge of the said circuit court of Albemarle county.

CHAP. 221.—An ACT to repeal chapter 153 of the acts of assembly of Virginia, extra session 1901, approved February 14, 1901, entitled an act to amend and re-enact chapter 554 of the acts of the general assembly of Virginia, 1899-1900, entitled an act to amend and re-enact section 65 of an act entitled an act to incorporate the city of Newport News, in the county of Warwick, approved February 27, 1900.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved February fourteenth, nineteen hundred and one, entitled an

act to amend and re-enact chapter five hundred and fifty-four of the acts of the general assembly of Virginia, eighteen hundred and ninety-nine and nineteen hundred, entitled an act to amend and re-enact section sixty-five of an act entitled an act to incorporate the city of Newport News, in the county of Warwick, approved February twenty-seventh, nineteen hundred, be, and the same is hereby, repealed: provided, such repeal shall not affect the right or remedies under said section sixty-five of the police justice now in office in Newport News.

2. This act shall be in force from its passage.

CHAP. 222.—An ACT to authorize and direct the auditor of public accounts to pay to James E. Phillips, his heirs, assigns, or personal representatives, the sum of \$5,000 out of any money in the treasury of the Commonwealth of Virginia, not otherwise appropriated, for material furnished and work done upon the buildings at the University of Virginia.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to pay to James E. Phillips, his heirs, assigns, or personal representatives, out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars, and the auditor of public accounts is further directed to take a proper receipt from said Phillips, or his properly authorized agent, for the sum so paid, which said receipt shall express that the said sum of five thousand dollars shall be, and is received, in full payment and discharge of any and all claims on the part of said Phillips against the rector and board of visitors of the University of Virginia, or the State of Virginia, for material furnished and work done upon the buildings at the University of Virginia.

2. This act shall be in force from its passage.

CHAP. 223.—An ACT to authorize J. W. Massey and T. H. Massey to erect a pier in the James river off Warwick county.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That J. W. Massey and T. H. Massey be authorized to erect a pier in the James river, off Warwick county shore, on piece of oyster-planting ground leased from the State of Virginia, and to build on said pier a house to be used as a guard-house, and for the purpose of shucking and handling oysters thereon preparatory to planting or shipping them: provided, the said pier shall not obstruct navigation.

2. This act shall be in force from its passage.

CHAP. 224.—An ACT to amend and re-enact section 136 of an act entitled an act to provide a new charter for the city of Bristol, and to repeal all other acts, or parts of acts, or charters in conflict therewith, approved March 5, 1900.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That section one hundred and thirty-six of an act entitled an act to provide a new charter for the city of Bristol, and to repeal all other acts or parts of acts or charters in conflict therewith, approved March fifth, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 136. The judge of the corporation court for said city shall receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be fixed by the city council and to be paid every thirty days as provided by law; and said judge shall qualify by taking the oath required by law within thirty days after receiving his commission, said oath to be taken before a notary public or any clerk of court of record, and the same shall be recorded in the common law and order book of the corporation court and the original filed by the clerk with the oaths of other officers as herein provided. And said judge shall not be permitted to practice law in any of the courts of this Commonwealth.

2. This act shall be enforced from and after the first day of February, nineteen hundred and four.

CHAP. 225.—An ACT to authorize and empower the board of supervisors of Greenville county to appropriate and contribute money to the Citizens' Monument Association of Greenville county, for the purpose of aiding the erection of a monument to the Confederate soldiers of said county.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Greenville county be, and it is, hereby authorized and empowered, if in its opinion, it be just and proper so to do, to appropriate and contribute out of the county funds, a sum of money not exceeding five hundred dollars, to the citizens monument association of Greenville county, for the purpose of aiding said association in the erection of a monument upon the public square of said county, at the county seat thereof, to the Confederate soldiers of said county. Such appropriation may be made and paid out by installments as the said board may determine.

2. This act shall be in force from its passage.

CHAP. 226.—An ACT to amend and re-enact title 10, chapter 19, sections 270 to 286, inclusive, as amended by an act approved May 23, 1887.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That title ten, chapter nineteen, sections two hundred and seventy to two hundred and eighty-six, inclusive, of the Code of Virginia, as amended by an act approved May twenty-third, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 270. There shall be elected every four years, in the manner now prescribed by law, a superintendent of public printing, who shall have the supervision and control of the public printing and binding of the Commonwealth, whose duties shall be as herein prescribed, or as may be hereafter prescribed by law.

§ 271. His oath.—Before entering upon the discharge of his duties he shall, in addition to the oaths required to be taken by other officers of the Commonwealth, take an oath that he is a practical printer and is skilled in and acquainted with the details of the printing business; that he will not in any manner, directly or indirectly, be interested in the contracts for the printing, binding, ruling, advertising, lithographing, and engraving let out by him, nor in any contract for paper or stationery purchased for the use of the State, and that he will not participate in the profits arising from the same. If he in any manner, directly or indirectly, violate the provisions of this section, by being interested in any such contract, he shall be deemed guilty of malfeasance, and shall be removed from office by the governor, who shall report the fact to the next general assembly, which shall deal with the matter in such manner as it may deem proper.

§ 272. What books he shall keep.—He shall keep the following books: A letter book, in which shall be kept his official correspondence; a record book, in which he shall enter in brief all accounts allowed by him for paper, printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, and expressage, and in which he shall record all his official transactions; an order book, in which he shall enter each order for printing, binding, ruling, lithographing, and engraving received by him from any department or officer of the State, with a brief description of the work, the date at which it was received, when and to which contractor delivered, and the kind and quantity of paper furnished therefor; a contract book, in which he shall record all contracts and bonds; receipt books, in which he shall enter all paper delivered to contractors, and take their receipts therefor; and a schedule book, exhibiting in detail the cost of all printing, binding, ruling, advertising, postage, drayage, expressage, lithographing, and engraving executed for each department or officer, and the quantity, cost per ream, and value of all paper used; which books shall at all times be open to the inspection of the governor, auditor of public accounts, secretary of the Commonwealth, or of any member of the general assembly.

§ 273. How contracts for printing awarded; appeal from award.—He shall, prior to the beginning of each fiscal year, let out to the low-

most responsible bidder, experience and facilities possessed at the time of bidding considered, all the printing, binding, ruling, lithographing, and engraving required by any department of the State and authorized by law to be done, or required in the execution of any law, and shall give notice of the time and place of letting the said work, by advertisements published every other day for two weeks, in one newspaper published in the city of Richmond, and one or more cities of the State in his discretion, and shall furnish all bidders, on application, with printed schedules on which to bid, specifying in detail the items required in the execution of the said work; which bids shall be opened at the time and place named in the advertisement in the presence of such bidders as see fit to attend. He may let out the work to different persons, and in such lots or portions as he may deem proper. In every case he shall require the party undertaking to do the work, or any part of it, to enter into a written contract stating distinctly the terms of the same, embracing the prices to be paid for composition, press-work, folding, stitching, ruling, binding, and all other items in detail; always providing in contracts for printing that the printing is to be executed in a close and compact form, without unnecessary title pages or useless blank pages. And shall require the person or persons making such contract to enter into a bond with security, to be approved by the secretary of the Commonwealth, in a penalty of at least double the amount contracted to be paid for the work, and conditioned for the faithful performance and execution of such contract. All such contracts and bonds shall be recorded in the contract book kept for that purpose, and the original bond shall be filed in the office of the secretary of the Commonwealth. Any bidder feeling himself aggrieved by an award made by the superintendent of public printing may, during the session of the general assembly, appeal to the joint committee on printing; or, in vacation, to a board composed of the governor, auditor of public accounts, and secretary of the Commonwealth, which shall hear and determine the matters involved in said appeal, but notice of such appeal must be given the superintendent of public printing within ten days from the date of the award appealed from.

§ 274. How contracts for paper awarded; appeal from award.—He shall purchase from the lowest responsible bidder, after advertisement as prescribed by law, the paper required for the printing and binding let out by him, and may purchase the same at such times and in such quantities as he may deem proper, and furnish the same to the contractors for printing, binding, and ruling as it may be needed. The accounts for the purchase of paper, certified by him to be correct, shall be presented to the secretary of the Commonwealth, who shall certify the same to the auditor of public accounts, who shall grant a warrant therefor on the treasury. All contracts in relation to said paper shall be subject to and regulated by the provisions of the preceding section in relation to the contracts for public printing, and all appeals from decisions of the superintendent of public printing shall be heard and determined as are appeals in relation to the public printing and binding.

§ 275. To supply officers with stationery, and so forth, and publish proclamations, advertisements, and so forth.—He shall supply the execu-

tive, the auditor of public accounts, the second auditor, treasurer, secretary of the Commonwealth, attorney-general, register of the land office, and the corporation commission with letter-heads, note-heads, envelopes, blanks, blank-books, and such other printing and binding as may be required by them in their several departments, and the clerks of the senate and house of delegates with blanks, and shall cause to be published in such newspapers as may be ordered proclamations and advertisements for the executive, treasurer, either auditor, register of the land office, attorney-general, corporation commission, and the clerk of either house of the general assembly. No printing or binding for the general or law libraries shall be paid out of the funds appropriated for public printing, except such as is specially provided for by law. All orders for printing, binding, ruling, lithographing, and engraving required by any department or officer shall be sent to the superintendent of public printing, who shall enter the same in the order-book to be kept by section three of this act.

§ 276. Printing and binding done for senate and house.—For all printing and binding, or either, done for or by order of the senate or house of delegates, an account certified by the superintendent of public printing to be correct and according to contract, shall, during the sessions of the general assembly, be presented to the president of the senate or the speaker of the house, as the case may be, who shall certify the same to the auditor of public accounts, who shall issue a warrant therefor on the treasury; and for all other printing, binding, ruling, lithographing, advertising, engraving, wrapping, mailing, freight, postage, or expressage, or either (or done for the senate or house of delegates when the general assembly is not in session), an account certified by the superintendent of public printing to be correct and according to contract shall be presented to the secretary of the Commonwealth, who shall, if the account is found to be correct, certify the same to the auditor of public accounts, who shall issue a warrant therefor on the treasury.

§ 277. Printing of journals for senate and house; their distribution.—The superintendent of public printing shall superintend the execution of all printing done by order of the senate or house of delegates, or their respective clerks, and shall cause to be printed in octavo form five hundred copies each of the journals of the senate and house of delegates, and a like number of each document ordered by either house of the general assembly, two hundred copies of which shall be distributed, from time to time as they are printed, to the members of the general assembly, and to the heads of departments, one to each, and ten to the clerk of each house. The remaining three hundred copies of the journals and documents, with an index thereto, shall be bound in ordinary half binding and distributed by the superintendent of public printing as follows: One copy to each member of the general assembly and to each head of department, five copies to the clerk of each house, and the remainder shall be delivered to the secretary of the Commonwealth, of which fifteen copies shall be kept in the library, sixty shall be disposed of as the executive may direct, and the remainder shall be a part of the library fund.

§ 278. How bills, joint resolutions, and so forth, printed.—He shall cause to be printed in octavo form two hundred and fifty copies of every

bill, joint resolution, or other matter ordered to be printed for the use of the senate or house of delegates and intended for temporary use, and in all fugitive work, such as resolutions, joint resolutions, house or senate bills making more than one page, there shall not be allowed on the first page thereof, between the folio line and the first line of the enacting clause, a space in excess of two and a half inches, which shall include the heading "a bill," or "resolution," or "joint resolution," the title to the same, the name of the patron, the report of the committee or committal thereto, unless the title thereto be in excess of three lines, in which case the space in excess of two and a half inches shall be no more than is necessary to contain the additional lines contained in the title; and in all book or pamphlet printing except bills there shall not be allowed thicker leads or spaces than five to pica. In bills and resolutions the space between lines shall not be greater than small pica slugs.

§ 279. Acts of assembly; printing and distribution.—He shall cause to be printed in octavo form, as soon as approved by the governor, five thousand five hundred copies of the acts and joint resolutions of the general assembly, and shall distribute them as follows: Two copies to each member of the general assembly and five copies to the clerk of each house; one copy to each head of department, judge of this State, and the Commonwealth's attorney; one to each clerk of the county, corporation, and hustings courts in this State, and one to the clerk of the circuit court of each county and corporation, and five copies to the corporation commission, from time to time as they are printed; the remainder he shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the general assembly, and as soon as practicable after the end of each session he shall deliver one copy to each head of department, and forward, by mail or express, or otherwise, five copies to each member of the general assembly; to every judge two copies, corporation commission five copies, and one copy to each mayor, clerk of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, commissioner of the revenue, justice of the peace, supervisor, and superintendent of public free schools; one copy to every judge and clerk of any court held in this State under the laws of the United States, and to each attorney and marshal in this State holding office under the United States; five copies to the general library, and five copies to the law library; one copy to the university and to each college in the State; one to the board of directors of each State hospital, one to the Deaf, Dumb, and Blind Institution; one to the Virginia Military Institute; ten copies to the clerk of the senate for the use of the senate, and fifteen copies to the clerk of the house of delegates for the use of the house. The copies remaining after the distribution above provided for he shall deliver to the secretary of the Commonwealth to constitute a part of the library fund.

§ 280. Printing of annual reports; their distribution; superintendent's responsibility for mechanical execution of State printing.—It shall be the duty of the department chiefs and heads of institutions of the Commonwealth to furnish their annual reports to the officer to whom they are required to be made on or before the twentieth day of October of each year,

who shall forthwith deliver them to the superintendent of public printing, whose duty it shall be to have them printed in accordance with section four of this chapter and ready for distribution on the first Wednesday in December.

He shall have printed in octavo form and bound in one volume five hundred copies of each report, and distribute the same as follows: One copy to each member of the general assembly, two copies to each institution and head of department, one copy to the clerk of each court of the State, twelve copies to the library, ten copies to the clerk of each house for the use of their respective houses, one copy to the clerk of each circuit and corporation court, sixty copies shall be disposed of as the executive may direct, and the remainder shall constitute a part of the library fund; a like number of copies of the reports of the corporation commission, including the reports of railroad companies made to them, and report of the superintendent of public instruction shall be printed in the same manner, but bound in separate volumes, and distributed as the other reports. In the printing of the reports provided for in this section, as in all classes of the State work, the officer preparing the report or other documents shall in all cases be responsible for the matter therein.

The department chiefs and heads of institutions shall carefully edit all copy for such reports or documents, and eliminate all unnecessary matter and matter that contains no information; and it shall be the duty of the superintendent of public printing, in making his contracts for the printing of the reports referred to in this section, to provide that the contractor shall print such additional copies of the said reports as may be desired by the institutions or officers making the reports, at such prices as may be agreed upon between the superintendent and contractor; the account for the same, when approved by the superintendent, shall be paid by the department or institution ordering said extra printing.

The superintendent of public printing shall be held responsible for the proper mechanical execution of all of the State printing.

§ 281. Reports of the court of appeals.—When the superintendent of public printing contracts for the printing and binding of current and future volumes of Virginia reports of the supreme court of appeals, he shall contract for the printing of so many copies of said volume or volumes as the secretary of the Commonwealth shall designate, not exceeding two thousand of each volume, and shall contract for the binding of such number of each volume as the secretary of the Commonwealth shall designate, and for the delivery of the residue of said unbound copies of said reports in sheets, boxed and labeled as the said secretary of the Commonwealth may direct; and, from time to time, he shall contract for the binding of such unbound volumes by the direction of the secretary of the Commonwealth.

In contracting for the printing and binding of said reports he shall conform to the provisions of section four of this act in relation to other printing and binding, except that it shall be expressly stipulated in said contract that no payment for composition or press work shall be made until the whole has been completed and accepted, and that a like condition be made in regard to the binding.

§ 282. If printing not done satisfactory, superintendent to employ another.—If any officer or department report to the superintendent any failure in the prompt and satisfactory execution of the printing, binding, ruling, or lithographing required by said officer or department, and in any case in which the superintendent is satisfied that the contractor has failed to comply with the stipulations of his contract, it shall be the duty of the superintendent to employ some other person to do the work, and he shall bring an action upon the bond of the defaulting contractor for any loss which may be sustained by the State in consequence of such default as soon as the same can be ascertained.

§ 283. Report of superintendent.—The superintendent of public printing shall make an annual report to the governor, showing the cost of all printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, and expressage done for each department of the government, and the cost of all paper or stationery used; also, the cost of all paper and stationery purchased during the fiscal year, and the cost of that remaining on hand at the close of the said fiscal year, and of the aggregate amount expended during the fiscal year on account of the public printing.

§ 284. Committee on printing.—The joint standing committee on printing of the two houses of the general assembly shall have authority to supervise and give directions in all that relates to the public printing and binding, and all other subjects embraced in this act, and it shall be the duty of the said committee to examine the books of the office and investigate the transactions of the superintendent of public printing, and make a report to the general assembly at each regular session, and at such other times as the committee deems proper.

§ 285. Clerk of superintendent.—The superintendent of public printing shall have the authority to employ a clerk at such a salary as may be provided by law. The auditor of public accounts is hereby authorized to issue his warrant monthly on the treasurer, upon the certificate of the superintendent of public printing, for the payment of said clerk.

§ 286. All acts and parts of acts, in so far as they are in conflict with this act, are hereby repealed.

CHAP. 227.—An AOT to amend and re-enact chapter 95 of the Code of Virginia in relation to the preservation of certain useful birds and animals, and to prevent unlawful hunting, and to repeal sections 2075, 2076, 2077, 2081, and 2082 of the Code of Virginia, and an act entitled an act to prevent the extermination of partridges (or quails) in the State of Virginia, approved January 27, 1896, as amended by an act entitled an act to amend and re-enact sections 1 and 4 of an act entitled an act to prevent the extermination of partridges (or quails) in the State of Virginia, approved January 27, 1896, in force since December 15, 1897.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter ninety-five of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2070a. When and how unlawful to hunt, et cetera.—1. It shall

be unlawful for any person to shoot at, kill or capture any wild water fowl or wild turkey at any time during the night in this State, or at any time to capture them in traps or nets or other contrivances, or to use reflectors or other lights, or sneak boats or artificial islands in detecting or capturing or shooting of wild fowl or game of any kind, or to hunt or shoot muskrats at night with a light in the tidewater sections of the State, or to shoot at any game on land or water in this State with a gun larger than an eight bore. All sneak boats, nets, traps or reflectors or other unlawful appliances so used or found in the possession of any person shall be seized by any game warden or other officer and held by him as evidence, but the same shall not be destroyed except by the order of the court or justice having jurisdiction, upon warrants duly issued, which said court or justice shall, upon satisfactory evidence of the guilt of the party, or of the unlawful nature of the article seized, order the same to be destroyed. The possession of any of said guns, sneak boats, nets, traps, reflectors, or other unlawful appliances shall be prima facie evidence of the guilt of the person in whose possession they are found.

2. It shall be unlawful for any person to hunt, kill, or capture in any manner, or buy, offer for sale, or have in possession any wild turkeys, pheasants or grouse, quail or partridges or woodcock east of the Blue Ridge mountains between February the first and November the first, and west of the Blue Ridge mountains between December the thirty-first and November the first, or to track or hunt any of them in snow, except wild turkeys, or to trap or net them at any time, or to destroy their nests, eggs, or young at any time, or to kill, chase, or capture, or buy, offer for sale, or have in possession any wild deer between January the first and October the first, or to track or hunt them in snow, or to kill or capture, or buy, offer for sale, or have in possession, any winter wild water fowl between April the first and October the fifteenth, or summer or wood ducks between January the first and August the first, or any rails, mud hens, gallinules, plovers, surf birds, snipe, sand pipers, willits, tattlers, or curlews, between January the first and July twentieth, or robins between April the first and February fifteenth. The possession of any of said game birds or game animals, or parts thereof, protected by the laws of this State, during the season in which it is unlawful to hunt, kill, chase, or capture the same, shall be prima facie evidence of the guilt of the party in whose possession they are found.

3. It shall be unlawful to shoot or otherwise hunt any wild water fowl or any game birds, or game animals, protected by the laws of this State, later than an half an hour after sunset or earlier than an half an hour before sunrise, or to shoot or hunt any game in this State on Sunday.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five nor more than fifty dollars, or imprisoned in jail for not more than thirty days, or both fined and imprisoned, at the discretion of the justice or jury trying the case.

5. All acts, or parts of acts, in conflict with this section are hereby repealed, but the board of supervisors of any county shall have the power to shorten the open season in their said county, and may permit the shipment of wild water fowl from said county or out of the State, and by regulations, not inconsistent with the provisions of this section, may further protect the game within their said county.

6. Nothing in this section shall be construed to refer to the bird known as sora.

§ 2070b. Game wardens; their appointment, duties, et cetera.—It shall be the duty of the city or corporation court of the cities, or the judges thereof, in vacation, on the application of five resident freeholders of any city, to appoint two suitable persons in such city as game wardens, whose jurisdiction shall be confined to their respective cities, and where the board of supervisors of any county shall, by resolution of record in the minutes of said board, request the judge of the circuit court for said county so to do, the said judge shall, upon the application of five resident freeholders of any magisterial district in said county, appoint one suitable person in such magisterial district as game warden, whose jurisdiction shall be confined to said magisterial district; when the said appointment is made by the judge, in vacation, he shall certify the same to the clerk of his court, who shall enter the same in the order book of his court in the same manner as if made in term.

2. The said wardens shall hold office for the term of four years from the date of their appointment, unless sooner removed from office, and shall qualify according to law.

3. It shall be the duty of said wardens to enforce all statutes of this State, and of the United States now in force, or hereafter to be enacted for the protection and propagation of wild water fowl, game birds, and game animals or song or insectivorous birds. The said wardens shall have power, and it shall be their duty, to arrest any person detected by them in the act of violating any of the aforesaid laws, or any person against whom a warrant shall have been duly issued, upon the information of any other person for such violation, and forthwith to carry such person before a justice or court having jurisdiction over the offense, who shall proceed, without unreasonable delay, to hear, try, and determine the charge against such person. No game warden shall have any right, under this act, to go upon the land of another person without the consent of such other person, until and unless such game warden shall have procured a search warrant in conformity with the provisions of subsection five of this section, or shall have a warrant for the arrest of some person thereon: provided, however, that such game warden may, without a warrant, arrest any person who violates any of the provisions of this chapter in the presence of such game warden, and should any person violate any of the provisions of this chapter in the presence of such game warden, such game warden may lawfully follow such person anywhere in the effort to arrest.

4. The several commanders of the oyster-police boats of this Commonwealth are hereby constituted game wardens of this State, whose

jurisdiction as such wardens shall extend over the lands and waters of this Commonwealth within their several jurisdictions as commanders. They shall enforce the statutes of this State, and of the United States, for the protection of game or other animals or birds protected by law, and render report to the board of fisheries of all prosecutions, and the said board of fisheries shall publish the same in their annual report as information. The commanders of the said oyster police boats shall receive no additional compensation for the performance of these duties, except that in cases of conviction they may receive the fee provided for in subsection eight of this section.

5. Any court, judge, or justice having jurisdiction over the offense, if satisfied upon affidavit that there is reasonable cause to believe that any wild water fowl, game birds, game animals, or song or insectivorous birds, or parts thereof, caught, taken, killed, shipped, or about to be shipped, or in transit, contrary to the laws of this State, or of the United States, are being concealed or stored in any place, shall issue a search warrant and cause search therefor to be made in any such place, and to that end may, after demand and refusal, cause any building, enclosure, or car to be entered, and any apartment in which it is believed that game is concealed, to be examined by any of said wardens or other officers executing the warrant: provided, that the issuance and execution of such search warrants shall be in accordance with the issuance and execution of search warrants in other cases, as provided by law.

6. All game animals, wild water fowl, and birds protected by law, or parts thereof, found under such warrant, shall be seized by the warden or other officer making the search, and shall be disposed of as the court, judge, or justice having jurisdiction may direct. All guns, gunning, or hunting appliances found in such search shall be seized by said warden or other officer, and held subject to the payment of the fine prescribed by law for the offense charged, and the cost of prosecution. If any of the articles so found be such as are not authorized by law, they shall, upon the order of the court, judge, or justice having jurisdiction, be destroyed, and all other of such articles shall be sold at public auction, after the lapse of twenty days from the time of seizure, and after such notice as the court, judge, or justice having jurisdiction may prescribe, unless the reputed owner appears and acquits himself of the charge or pay the fine that may be imposed by the court, judge, or justice.

7. Any person or persons interfering with any of said game wardens in the discharge of their duty, or resisting lawful arrest, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than fifty dollars.

8. All fines and penalties imposed and collected under the provisions of this chapter shall be paid to the Commonwealth, and in addition to said fines and penalties there shall be assessed against the offender in every case of conviction, under the provisions of this chapter, a fee of two dollars and fifty cents, which shall be collected as fines are collected under the general provisions of law, and be paid to the warden who shall secure the conviction.

9. If any warden appointed under this section shall refuse or wilfully neglect to prosecute any person violating any of its provisions, or any of the laws of this State relating to wild water fowl, game birds, or game animals, or song or insectivorous birds, his appointment shall be revoked by the court having jurisdiction, and such warden shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding twenty dollars, and the vacancy thus created shall be filled by the court or judge, in vacation.

10. All money paid to or collected by clerks of courts as hunting licenses shall constitute a fund for the payment of the said regularly appointed game wardens of this State, as herein provided, and the clerk shall, after deducting a fee of fifty cents for issuing such license, on the first of April of each year, pay in equal amounts to the said warden or wardens of his county such sum as may be in his hands arising from the issuance of such licenses: provided, that no one warden shall receive more from this source than three hundred dollars in any one year, and shall make return to his court a detailed statement of such receipts and disbursements: provided, that in the counties of Accomac and Northampton the circuit court for said counties shall appoint, on the recommendation of the Eastern Shore Game Protective Association, the game wardens of the said counties, who shall make report at regular intervals to said association as its laws shall provide, and the said clerks of the courts of said counties, upon the order of said association, shall distribute among the game wardens for said counties, or as may have been agreed upon by contract between the said association and said wardens, or in proportion to the services which in their judgment have been rendered by them, respectively, the fund arising from the license of non-residents provided for in this chapter, or so much thereof as may be necessary. Should there be any surplus remaining after providing an efficient system of game protection in said counties from the license on non-residents above mentioned, said association may use it for restocking said counties with game. The clerk shall pay to the treasurer of said association such sums as may be thus expended, paying any amounts not needed for the purpose above mentioned to the auditor of public accounts, as provided in section twenty hundred and seventy c.

§ 2070c. Non-residents to obtain hunting licenses; when and how game may be exported, et cetera.—1. It shall be unlawful for any person, not a resident of this State, to hunt or kill wild water fowl, wild turkeys, pheasants or grouse, woodcock, partridges, quail, or other game birds, or deer, within this State, until he shall have first secured a hunting license, as hereinafter provided; the non-resident children of resident owners of land in this State shall be allowed to hunt on such lands as though they were residents of this State.

2. Upon the personal application of any non-resident to the clerk of the circuit court of any county in which he first begins to hunt, such clerk shall, upon the payment of ten dollars, issue to such non-resident a hunting license, using a form to be prescribed by the auditor of public accounts for that purpose, entitling him to hunt and kill wild tur-

keys, pheasants or grouse, woodcock, partridges, quail, and other game birds during the open season in the six months next following, and subject to any restrictions now existing against, or which may hereafter be imposed upon residents of this State. And upon the payment of an additional fee of fifteen dollars such non-resident shall have issued to him a license entitling him to hunt and kill, in addition to the game already enumerated, wild water fowl and deer, under the circumstances and restrictions above set forth. The clerk shall retain fifty cents as his fee for issuing such license, and the residue he shall account for to the auditor of public accounts, unless otherwise provided for by law. Such license shall not be transferable.

3. It shall be unlawful, except as hereinafter provided, to ship or transport, or to cause to be shipped or transported, from this State, whether alive or dead, wild water fowl, wild turkeys, pheasants or grouse, woodcock, partridges, quail, or other game birds, or any deer or venison, killed or captured within this State, nor shall the same be killed, captured, or possessed with intent to ship or transport from this State.

4. Any person authorized to hunt under the laws of this State may, during the open season, take with him out of the State, either in his personal possession or as his baggage, on the same conveyance with him, not in a closed package, but exposed to view, not exceeding thirty wild water fowl, fifty quail or partridges, ten pheasants or grouse, three wild turkeys, one deer, or plovers, snipe, sand-pipers, willits, tattlers, or curlews, not exceeding twenty-five of each, or not exceeding one hundred in the aggregate, when killed or captured by himself: provided, the same shall be plainly labelled or tagged with the name and address of such person; and any citizen of this State may, during the open season, ship or have transported from this State, as a gift, and not for market or sale, so stating on the shipping tag, one deer during the season, and not exceeding three wild turkeys, six pheasants, twelve wild water fowl, eighteen partridges or quail: provided, that such game shall be shipped exposed to public view and unconcealed, and each parcel or package shall be plainly labelled or tagged with the name and address of the donor and of the donee, and the number of each of such game so shipped. This section shall not apply to sora, or rabbits, or hares.

5. It shall be deemed a violation of this section for any person to deliver any of the game herein mentioned to any common carrier or person for shipment or transportation out of the State, or for any common carrier or person to carry or transport or receive for shipment or transportation any such game in any other manner than is provided in this section.

6. Nothing in this section shall be construed to prevent common carriers from carrying or transporting any of the game herein mentioned in unbroken packages from beyond the confines of this State through the same to some point in another State.

7. Any person or corporation violating any provision of this section shall be guilty of a misdemeanor and be liable to a fine of fifty dollars for each offense, or imprisoned in jail for not exceeding sixty days.

8. No person charged with an offense under this section shall, within the meaning thereof, be deemed a resident of this State, who shall not have resided within the limits of the State twelve months next preceding the time when the alleged offense was committed, unless he shall have, bona fide, taken up his residence in this Commonwealth, and has his bona fide domicile therein, and in any prosecution for such offense the burden of proof as to residence shall be upon the defendant.

§ 2071. Unlawful hunting, trespassing, et cetera, on another's lands.—If any person, without the consent of the owner or tenant, shoot, hunt, range, fish, trap, or fowl on or in the lands, waters, mill ponds, or private ponds of another, which are enclosed, or the boundaries of which, or the streams adjacent to which, constitute a lawful fence, or on any lands, waters, mill ponds, or private ponds of another, east of the Blue Ridge, or in the waters on said land, he shall be deemed guilty of a trespass, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, and in addition thereto shall be liable in an action for damages; and if any person, after being warned not to do so by the owner or tenant of any premises, shall go upon the lands of the said owner or tenant, he shall, in addition to the liabilities imposed under this section, be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine not exceeding fifty dollars or imprisoned in the county jail not exceeding sixty days, or both, in the discretion of the justice or jury trying the case.

§ 2072. In certain counties.—If any person shoot, hunt, range, or fowl on the lands or in the water courses comprehended within the survey of any proprietor of lands in the counties of Alexandria, Fairfax, Prince William, Stafford, and King George, and within five miles of navigable tidewater, without license in writing from the owner or tenant of said lands, he shall, besides being liable to such owner or tenant in an action for damages, forfeit to the informer three dollars for the first offense, six dollars for the second offense, and nine dollars for each succeeding offense, the forfeiture in each case to be double if the offense be committed in the night or on Sunday; and he shall likewise forfeit to the informer in each instance his boat or other means of conveyance, his guns, dogs, and all his shooting and hunting apparatus used in the commission of the offense, and be liable for all costs and expenses incurred in apprehending and prosecuting him for the recovery of said forfeiture.

§ 2073. Punishment of offenders.—Any person violating either of the two preceding sections may be arrested, and the property forfeited under the last section may be seized with or without warrant by any sheriff or constable, or any game warden of the Commonwealth within their respective jurisdictions, and held to await judgment. The offender shall be carried before a justice of the county in which the offense was committed, and a report be made to him of the property, if any, seized. The justice shall proceed to try the case and give judgment thereon. If judgment be rendered against the offender, it shall be for the forfeitures, pecuniary and otherwise, and the costs and

expenses incurred, and any property seized, adjudged to be forfeited, shall be delivered to the person entitled to the forfeiture in part satisfaction of the judgment. If the offender does not satisfy the judgment in full, the justice shall commit him to jail for one month, unless such satisfaction be sooner made. If the offender be acquitted, any property seized shall be released.

§ 2074. Proceeding when convicted a third time.—If a person be convicted a third time of any of the offenses mentioned in this chapter, the justice rendering judgment therefor shall require him to give a recognizance, with sufficient surety, for his good behavior for a year; and if he fail to give such surety, commit him to jail for one month, unless he sooner give it. Such recognizance shall be deemed to be forfeited if such person commit any of the said offenses within the time limited in the recognizance.

§ 2078. Damages for shooting or killing tame deer.—If any person shoot or kill a tame deer, having a bell or collar on its neck, he shall pay to the owner the value of such deer.

§ 2079. Concerning the protection of certain wild birds other than game birds, their nests and eggs.—It shall be unlawful at any time to kill or capture the turkey buzzard, or black buzzard, or to kill or ship alive out of the State the mocking bird, or kill or capture the thrush, gold finch, oriole, wren, rain crow, cardinal or red bird, wood robin, blue bird, martin, starling, or any wild bird other than the game birds herein named, or to destroy their nests or eggs, or to purchase or offer for sale any such wild bird after it has been killed or caught, or any part thereof, and the possession or sale, or offering for sale, in this State of any bird so protected shall be prima facie evidence of guilt: provided, that nothing herein contained shall be construed to apply to the English sparrow, great horned owl, sharp shinned hawk, Cooper's hawk, crow, crow black bird, or rice bird.

§ 2080. Penalties for violating preceding section.—If any person violate any of the provisions of the preceding section he shall be guilty of a misdemeanor, and shall be fined not less than two dollars nor more than twenty dollars, and imprisoned in jail until the fine is paid, but not exceeding thirty days.

Sections twenty hundred and seventy-five, twenty hundred and seventy-six, twenty hundred and seventy-seven, twenty hundred and eighty-one, and twenty hundred and eighty-two of the Code of Virginia, and an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia, approved January twenty-seventh, eighteen hundred and ninety-six, as amended by an act entitled "an act to amend and re-enact sections one and four of an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia," approved January twenty-seventh, eighteen hundred and ninety-six, in force since December fifteenth, eighteen hundred and ninety-seven, and all other acts or parts of acts in conflict with the provisions of this chapter as hereby amended and re-enacted are hereby repealed: Provided, that nothing in this act shall be construed as

repealing a special act approved March eighth, nineteen hundred and two, restricting the shooting of wild water fowl in Back bay and its tributaries, in the county of Princess Anne.

2. This act shall be in force from its passage.

CHAP. 228.—An ACT to legalize a certain election held by the qualified voters of Prince Edward county, Virginia, for the purpose of subscribing to the stock of the Charlotte, Farmville and James River Valley Railway Company; to empower and direct the supervisors of said county to subscribe to the capital stock of said railway company to an amount not exceeding \$57,000 in the said county's bonds, or \$3,000 per mile in the said county's bonds, par value, upon the terms and conditions prescribed in the order of court under which said election was held.

Approved May 14, 1903.

Whereas, the county court of Prince Edward county, Virginia, on the fifteenth day of September, nineteen hundred and two, did make an order requiring the sheriff of said county to open the polls on the twenty-eighth day of October, nineteen hundred and two, and take the sense of the qualified voters of said county on the question of subscribing to the stock of the Charlotte, Farmville and James River Valley Railway Company to an amount not exceeding fifty-seven thousand dollars in the said county's bonds, or three thousand dollars per mile in the said county's bonds, par value, upon the condition that the said subscription is to be made only after the said railway has been completed from Rosney, in Buckingham county—a connection with the Chesapeake and Ohio system—through the town of Farmville to Charlotte courthouse, said subscription to be paid in bonds of the said company carrying not exceeding five per centum interest per year and having not more than fifty years to run, the said company agreeing to accept said bonds at not less than par, and in accordance with the law to issue to the county on such subscription being made, its capital stock, at par, to an amount equal to the amount of such subscription, on which said company will guarantee to pay after two years to the county, at the end of every year from the date of its issue, a dividend of four per centum, if there shall be income sufficient after the payment of interest on its first mortgage bonds, to the amount of eighteen thousand dollars per mile of roadway; and it having been further agreed that the said stock is at any time exchangeable, at market value, for the first mortgage bonds of said company at market value, and that the said first mortgage bonds shall be interest bearing, and the said interest shall be payable to the said county of Prince Edward; and,

Whereas, at an election held under said order a majority both of the voters and of the freeholders of said county voted in favor of subscribing to the aforesaid amount of capital stock of said company at par, under the conditions and upon the terms named in said order of the county court; and,

Whereas, the name of said company has, by an order of the circuit court of the city of Richmond, been duly changed from the Charlotte, Farmville and James River Valley Railway Company to Virginia Railroad Company, as authorized by the charter of said company; therefore,

1. Be it enacted by the general assembly of Virginia as follows: The election held by the citizens of the county of Prince Edward on the twenty-eighth day of October, nineteen hundred and two, under an order of the county court of said county entered on the fifteenth day of September, nineteen hundred and two, for the purpose of ascertaining the sense of a majority of the qualified voters and freeholders of said county as to the subscription to the capital stock of the Charlotte, Farmville and James River Valley Railway Company to an amount not exceeding fifty-seven thousand dollars in the said county's bonds, or three thousand dollars per mile in the said county's bonds, at par, upon the terms and conditions named in said order, is hereby legalized; and the general assembly of Virginia hereby validates the subscription voted by said voters and freeholders as aforesaid under the terms and conditions named in said order of the county court of Prince Edward, as described in this act; and the board of supervisors for said county shall, through two agents, to be appointed by it, for that purpose, as provided in the act of assembly incorporating said corporation, make formal subscription in accordance with the report of the county surveyor, as provided for in said act of incorporation, to the capital stock of said company now named Virginia Railroad Company, at par, to an amount not exceeding fifty-seven thousand dollars, to be paid in the said county's bonds, or three thousand dollars per mile; to be paid in the said county's bonds, there being nineteen miles or less of the said company's roadway in said county; said subscription to be paid in the negotiable coupon bonds of the said county of Prince Edward to the amount as above prescribed, par value, bearing interest at the rate of five per centum per annum from the time of delivery, payable semi-annually, and the principal of said bonds payable fifty years from the date of delivery. The said bonds shall not commence to bear interest until the delivery thereof; and the said subscription shall be conditional upon the said railway company's completing its line of standard gauge railroad from Rosney, in Buckingham county—a connection with the Chesapeake and Ohio system—through the town of Farmville to Charlotte courthouse; and the said board of supervisors of the said county of Prince Edward are hereby authorized and directed to appoint two officers or agents to receive from said company such certificates of stock in exchange for said bonds, as provided in said act of incorporation. And the board of supervisors for Prince Edward county are vested with full power to, and shall, execute said bonds in the name of said county of Prince Edward, when said roadway has been completed to Charlotte courthouse, through the town of Farmville, and are directed and empowered to lay such a levy upon the real and personal property of the said county as may be necessary to provide for the payment of the interest and a sinking fund for the payment of the principal of the bonds of said county, the limitations of the amount of taxation as prescribed under section twelve hundred and forty-three, chapter fifty-one, of the Code of eighteen hundred and eighty-seven, to the contrary notwithstanding.

2. All acts or parts of acts inconsistent or at variance with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 229.—An ACT to legalize an election held in Charlotte county for the purpose of subscribing to the capital stock of the Charlotte, Farmville and James River Valley Railway Company.

Approved May 14, 1903.

Whereas, the county court of Charlotte county, Virginia, did, at the November term, nineteen hundred and two, thereof, make an order requiring the sheriff of said county to open the polls on the eleventh day of December, nineteen hundred and two, and take the sense of the qualified voters of the said county on the question of subscribing to the capital stock of the Charlotte, Farmville and James River Valley Railway Company in an amount equal to the sum of seventeen hundred and fifty dollars per mile for each mile of railroad actually constructed by said company within the limits of said county, par value, which subscription as prescribed in said order should in no event exceed the sum of fifty-two thousand dollars, and should be payable in the bonds of said county of Charlotte, bearing interest from the date thereof at the rate of four per centum per annum, and the principal thereof to be payable fifty years from the date of said bonds; and,

Whereas, it was agreed and understood, as provided in said order, that said railway shall traverse said county of Charlotte from some point on the county line at or near Bethlehem church to Charlotte courthouse, and thence to some point on Staunton river at or near Cole's Ferry, and that the maximum number of miles of road to be built in said county is thirty; and,

Whereas, it was further provided in said order that in no event should any payment be made, either in money or in the bonds of said county, on account of said subscription, until and except—

First. That the said company shall construct and put in operation a line of railway from Rosney, in Buckingham county—a connection with the Chesapeake and Ohio system—to Farmville, and thence by the route therein indicated to Staunton river at or near Cole's Ferry;

Second. That the said company shall enter into obligation with approved security, whereby the said company will be bound to pay to the said county of Charlotte annually, for a period of ten years, a sum of money which, together with the sum paid by the said company for county and district and school taxes within said county, shall equal the amount paid by the county in interest on the bonds of the county issued in payment of such subscription as it may make to the capital stock of said company;

Fourth. That the said company shall deliver to the duly authorized officers or agents of the said county of Charlotte stock of the class commonly called and known as preferred stock to the amount of the subscription which said county may make to the capital stock of said company, and there shall be reserved and secured to said county the right at any time at its option to surrender said stock and to receive in lieu thereof the first mortgage bonds of said company, the basis of exchange to be the market value of said preferred stock and said mortgage bonds; and,

Whereas, at the said election held under said order a majority both of the qualified voters and of the freeholders of said county voted in favor of making said subscription as provided in said order to the preferred capital stock of said railroad company, at par, under the conditions and upon the terms named in said order of the county court; and,

Whereas, the name of said company has, by an order of the circuit court of the city of Richmond, been duly changed from the Charlotte, Farmville and James River Valley Railway Company to Virginia Railroad Company, as authorized by the charter of said company; therefore,

1. Be it enacted by the general assembly of Virginia, That the election held by the citizens of Charlotte county, Virginia, on the eleventh day of April, nineteen hundred and two, under the order of the court of said county, entered at the November term, nineteen hundred and two, thereof, for the purpose of ascertaining the sense of a majority of the qualified voters and freeholders of said county as to the subscription to the preferred capital stock of the Charlotte, Farmville and James River Valley Railway Company, at par, in an amount equal to the sum of seventeen hundred and fifty dollars for each mile of railroad actually constructed by said company within the limits of said county, upon the terms and conditions named in said order, is hereby legalized, and the general assembly of Virginia hereby validates the subscription voted by said voters and freeholders to said preferred stock to the amount above specified, under the terms and upon the conditions named in said order of the county court of Charlotte county, as described in this act; and the board of supervisors for said county, through two agents to be appointed by it for that purpose, as provided in this act of assembly incorporating said corporation, shall make formal subscription, in accordance with the report of the county surveyor, as provided in said act of incorporation, to the preferred capital stock of the said Charlotte, Farmville and James River Valley Railway Company, now the Virginia Railroad Company, at par, to the amount above specified; said subscription to be paid in the bonds of said county, bearing interest from the date thereof at the rate of four per centum per annum, and the principal thereof to be payable fifty years from the date of said bonds, and the said bonds shall not commence to bear interest until the delivery thereof, and the said subscription shall be conditional upon the said railway company's completing its line of standard gauge railroad through and across the county of Charlotte, from some point on the county line at or near Bethlehem church to Charlotte courthouse, and thence to some point on Staunton river at or near Cole's Ferry, and that the maximum number of miles of road to be built in said county shall be thirty-two; and provided further, that in no event shall any payment be made, either in money or in bonds of the county, on account of any subscription by said county until and except—

First. That the said company shall construct and put in operation a line of railway from Rosney, in Buckingham county—a connection with the Chesapeake and Ohio system—to Farmville, and thence by the route herein indicated to Staunton river at or near Cole's Ferry.

Second. That said company shall enter into obligation, with approved security, whereby the said company will be bound to pay to the county of

Charlotte annually, for a period of ten years, a sum of money which, together with the sum paid by said company for county and district and school taxes within said county, shall equal the amount paid by the county in interest on the bonds of the county issued in payment of such subscription as it may make to the capital stock of said company.

Third. That the said company shall deliver to the duly authorized officers or agents of the said county of Charlotte, of whom there shall be two, and who the board of supervisors of said county is hereby authorized and directed to appoint, stocks of the class commonly called and known as preferred stock, to the amount of the subscription which said county may make to the capital stock of said company, and there shall be reserved and secured to said county the right at any time at its option to surrender said stock and to receive in lieu thereof the first mortgage bonds of said company, the basis of exchange to be the market value of said preferred stock and said mortgage bonds. And the board of supervisors for the said county of Charlotte are vested with full power to and shall execute said bonds in the name of said county of Charlotte, and are directed and empowered to lay such a levy upon the real and personal property of the said county as may be necessary to provide for the payment of the interest and a sinking fund for the payment of the principal of the bonds of said county, the limitations of the amount of taxation as prescribed in section twelve hundred and forty-three, chapter fifty-one, of the Code of eighteen hundred and eighty-seven, to the contrary notwithstanding.

2. All acts or parts of acts inconsistent with or at variance with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 230.—An ACT to amend and re-enact an act entitled an act authorizing the board of supervisors of Chesterfield county to create a general road fund, and to provide for the permanent improvement of roads, approved April 2, 1902, and to create an advisory road board and to provide for the appointment of a county superintendent of roads.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Chesterfield county shall create a general road fund by setting apart and appropriating thereto one-half of the road fund of each district of said county in each year, including the levies for the year nineteen hundred and one, which general road fund and such other moneys as may be lawfully appropriated thereto shall be expended only towards the permanent improvement of the public roads of said county as is contemplated by this act.

2. There is hereby created a board, to be known as the advisory road board. The said advisory road board shall consist of one member from each magisterial district, to be appointed on or before the first day of July, nineteen hundred and three, by the judge of the county court, in term time or in vacation, and annually thereafter by the judge of the cir-

cuit court of the county of Chesterfield, in term time or in vacation. The said advisory road board shall have authority, and it shall be its duty, to designate the roads in each district to be improved under the provisions of this act, and specify the character of improvement to be made on each road, and the board of supervisors shall thereupon cause such road or roads, or parts of roads, in said county as said advisory road board may, from time to time, have so designated to be built, improved, or repaired in a permanent manner, or as nearly so as may be practicable.

3. The board of supervisors shall, within thirty days after this act shall have been approved by the governor, and annually thereafter, appoint a county superintendent of roads for the term of one year from the date of his appointment, and, from time to time, fix his compensation and prescribe his duties, where they are not prescribed by this act; and said board of supervisors may remove such superintendent from office and may fill any vacancy in said office, and said board of supervisors may, from time to time, if deemed by it necessary, appoint a deputy or deputies for said superintendent, upon his request, for such times as it may direct, but not extending beyond the term of the superintendent, and fix the compensation of such deputies; and said board shall have authority to employ all other agents or engineers as it may deem necessary, prescribe their duties and fix their compensation, and shall have full power to purchase machinery, teams, supplies, and materials, and perform all other acts necessary to carry out the spirit of this act. It shall also have authority to forbid the public from traveling on any road, or portion of road, while the same is being built, improved, or repaired; and thereafter when such travel would by weather conditions, in the opinion of said board, greatly damage such road. It may make all necessary contracts, and shall require proper bonds from all agents and contractors for faithful performance of duties or contracts. All work and contracts shall be done and performed to the satisfaction of the board of supervisors, and all moneys shall be paid by the warrant of said board.

4. The member of the advisory road board and the member of the board of supervisors from each magisterial district, together with the county superintendent of roads, shall constitute a district road board for such magisterial district, which board shall have the immediate control and supervision of all work done or performed on the roads of the districts under the provisions of this act.

5. The said board of supervisors shall have authority, if, in its opinion, it shall be judicious to do so, to require all persons who may use wagons, carts, or other vehicles in said county to provide such wagons, carts, or vehicles with tires of such width as said board may prescribe, upon such conditions as said board may prescribe, and may prescribe such penalty for the failure of any person to comply with such requirement or order as said board may deem best.

6. The said board of supervisors shall have the authority to appropriate to the general road fund provided for by this act any balance that may remain at the end of any fiscal year to the credit of the county fund or levy, or so much of said balance as said board may deem it wise to appropriate; and said board may at any time appropriate to said general fund

such sum from the county levy as it may deem necessary and proper.

7. No supervisor or other public officer, member of the advisory board, superintendent of roads, or deputy or engineer, shall have any interest in any work or contract done or had under the provisions of this act.

8. The members of the advisory board hereby created, and the superintendent of roads, shall qualify by taking the usual oath for the faithful performance of their duties.

9. The board of supervisors may, in its discretion, allow the members of the advisory board such compensation for services performed as it may deem just, but if such board shall decline to allow any compensation, there shall be no appeal from its decision.

10. All acts and parts of acts inconsistent with this act are hereby repealed.

11. This act shall be in force from its passage.

CHAP. 231.—An ACT to amend and re-enact section 20 of an act entitled an act to amend and re-enact chapter 573 of the acts 1891 and 1892, entitled an act for opening and keeping in repair the public roads of Pulaski county, as amended by an act passed March 2, 1892, as amended by an act passed January 25, 1898, as amended by an act passed February 28, 1898, as amended by an act passed March 6, 1900, as to the limit of the road levy in Pulaski county, and the distribution of the funds derived thereunder.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty of an act entitled an act to amend and re-enact chapter five hundred and seventy-three of the acts of eighteen hundred and ninety-one and eighteen hundred and ninety-two, entitled an act for opening and keeping in repair the public roads of Pulaski county, as amended by an act passed March second, eighteen hundred and ninety-two, as amended by an act passed January twenty-fifth, eighteen hundred and ninety-eight, as amended by an act passed February the twenty-eighth, eighteen hundred and ninety-eight, as amended by an act passed March sixth, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 20. That for the purpose of this act the board of supervisors may annually levy a capitation tax of fifty cents on every male citizen over the age of twenty-one years, and a tax not to exceed thirty-five cents on the one hundred dollars on the assessed value of the real estate and personal property in the respective magisterial districts of the county of Pulaski, for the benefit of the road fund: provided, that the taxes collected for road purposes in each magisterial district shall be expended on the roads in which it is collected, except that the taxes for road purposes derived from railroads, telephone, and telegraph companies shall be equally divided between the several magisterial districts of said county. It is further provided that this act shall in no wise affect sections five and six of an act entitled an act to authorize the board of supervisors of Pulaski county to borrow money for the construction of and repair to the bridge across New river at Towe's Ferry, in Pulaski county, approved December twenty-first, nineteen hundred and one.

2. This act shall be in force from its passage.

CHAP. 232.—An ACT to incorporate the town of Mayville, in Dumfries magisterial district, Prince William county.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the town of Mayville, in Dumfries magisterial district, Prince William county, Virginia, shall be, and the same is hereby, made a town corporate, under the name and style of the town of Mayville, and by that name and style shall have and exercise the powers hereinafter granted.

2. That the government of said town shall be vested in a council of five, to be chosen annually by ballot on the second Tuesday in June. Any person entitled to vote in the said district, and residing in said town, and shall have registered in accordance with general law for the registration of electors in town elections, shall be entitled to vote at all elections in said town. All elections shall be held as provided by general law for towns. The clerk of said town hereinafter provided shall issue to the five persons receiving the highest number of votes a certificate of election, and before entering upon their duties as councilmen shall take the oath for the faithful performance of their duties as prescribed by the Constitution and laws of the State of Virginia.

3. Said council, or so many of them as have qualified, shall meet on the first Monday of September thereafter and organize by choosing a mayor, clerk, and sergeant from among the residents of the said town, which officers shall hold their respective offices for the term of two years when qualified. Said officers shall qualify as hereinbefore provided for. All the officers of the town shall serve without compensation, except as hereinafter provided. The council shall appoint its own time of meeting; a quorum shall consist of a majority of those who have qualified; and any vacancy among any of the officers of the town caused by neglect to qualify, or for other reasons, shall be filled by the said council.

4. The mayor shall be the presiding officer of the council, but shall have no vote except in case of a tie, or unless he shall be one of the councilmen. He shall have the jurisdiction and authority of a justice of the peace of Prince William county, in said town, and shall have special jurisdiction of the enforcement of the town ordinances, and shall be entitled therefor to charge such fees allowed a justice of the peace for like services. He may call special meetings of the council by giving notice to each member thereof. The sheriff of said county shall respect and obey the warrant or mittimus of the mayor in the same manner as any magistrate of said county. The clerk of said council shall keep a correct record of the proceedings of the council; shall provide the books and stationery therefor; shall make out the certificates of election; shall issue warrants upon the sergeant, ordered by the council, and shall have the power to administer the oath of office to any of the town officers, and for his services under this charter shall be allowed annually a sum to be fixed by the council: provided, the same shall not exceed twenty-five dollars per annum.

5. The sergeant shall collect the taxes imposed by the council, and shall pay all warrants signed by the mayor and countersigned by the clerk. He shall have power and authority of any constable within said town, and

shall be entitled to same fees allowed by general law to a constable for like services. He shall perform all duties of overseer of roads or streets in said town in accordance with general law. It shall be the duty of the sergeant, under the direction of the council, to cause the streets of said town to be worked, and shall, for his public services, be allowed annually a sum to be fixed by the council, not to exceed the sum of sixty dollars per annum; the sergeant shall, before entering upon the discharge of his duties, execute a bond in the penalty of five hundred dollars, with sureties to be approved by said council, conditioned according to law; said bond and all other papers of said town shall be filed and preserved by the clerk.

6. The council shall adopt such ordinances for the preservation of good order, health, and property in said town not inconsistent with the laws of the State of Virginia, and may provide fines and penalties for the violation of any ordinance, ten dollars, or imprisonment for not more than twenty days.

7. The clerk shall assess all real and personal property within the said town, and for that purpose shall have access to the land and property book of the commissioner of the revenue for said district; such property shall not be assessed at a higher value than for State and county purposes. Said clerk shall make out tax tickets for taxes imposed by the council against the owners of all property within said town, and place same in the hands of the sergeant for collection, and take receipt therefor. The council may annually levy a tax upon all property within said town for town purposes not to exceed twenty cents on the one hundred dollars value thereof. The council may on the first day of May, nineteen hundred and three, and annually thereafter, impose a license tax on all persons engaged in business within said town, not to exceed, however, one-half of the amount imposed by the State for like purposes. It shall be the duty of the clerk to issue a license to each person engaged in business for which a license may be imposed by the council, and shall place the same in the hands of the sergeant for collection. Said sergeant shall have the same power to enforce collections thereof as now provided for the collection of taxes.

8. The following are hereby declared to be the bounds of said town: Beginning at King's mill, on Quantico run, and extending east with said run to the iron bridge at Dumfries; thence south with the long distance telephone line to the line of James H. Horton; thence west with said Horton's line to the stage road; thence east with said stage road to the Cauborough road; thence west with said Cauborough's to the line of James Bates; thence north with said Bates' line to Quantico run, and thence down said run to the place of beginning.

9. Jonas Barnhouse, F. W. Hornbaker, Noah Milstead, Walter H. Keys, and Andrew Watson, or a majority of them, are hereby empowered to qualify before any magistrate or notary public, and thereupon they shall constitute, until the first day of September, nineteen hundred and four, the council of said town of Mayville, and as such may organize and elect a clerk and sergeant, and perform all the duties of said council. J. Frank Wheat is hereby made mayor of said town until September first, nineteen hundred and four.

10. The officers of said town and the council thereof shall have all powers granted to officers and councils of towns corporate under existing general laws of the State of Virginia.

11. This act shall be in force from its passage.

CHAP. 233.—An ACT to submit to the qualified voters of the town of Manassas, in the county of Prince William, at a special election to be held therefor, the question of the establishment of a dispensary for the sale of intoxicating liquors therein, and in the event of a majority of those voting at said election vote for said dispensary, then further to provide for the establishment and conduct of the same, and to prohibit thereafter, within said town, or within one mile of its corporate limits, the sale, barter, or exchange of intoxicating liquors, by all persons, firms, or corporations, except as provided herein.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever such of the qualified voters of the town of Manassas, in the county of Prince William, as constitute one-fourth of the persons voting, at the preceding regular election, held in said town, petition the council of said town, the said council shall order an election to be held in said town, at such time as may be fixed by the said council, notice of the time and place of said election shall be posted in at least two public places in said town, at least thirty days before such election, at which said election the qualified voters of said town shall vote upon the question of establishing a municipal liquor dispensary in said town, as hereinafter provided, which said election shall be held and the returns thereof made, canvassed, and ascertained, as provided by the laws governing the election of mayor and councilmen of said town, so far as the same may be applicable and except as modified by this act. The official ballots, prepared and used at such election, shall contain the words "For Dispensary," and the words "Against Dispensary," and the voter desiring to vote for the establishment of said dispensary shall scratch out the words "Against Dispensary," and the voter desiring to vote against the establishment of said dispensary shall scratch out the words "For Dispensary." The certificate of the judges and clerk of the election shall show the number of votes cast for dispensary and the number of votes cast against dispensary, and shall certify the results of said election to the said council, to be spread upon the minutes thereof. And if a majority of the voters voting at such election shall vote for the establishment of a dispensary, then it shall be unlawful for any person, firm, or corporation, in any capacity whatsoever, to sell, barter, or exchange any spirituous, vinous, malt, or other intoxicating liquors of any kind or character, in the said town of Manassas, or within one mile of the corporate limits of said town, on or after the first day of May next succeeding such election, except as hereinafter provided; and any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail not less than one month nor

more than twelve months, or both fined and imprisoned, in the discretion of the court or justice trying said case, and the subsequent sections of this act shall be in full force and effect; but if a majority of the voters voting at such election shall vote against the establishment of said dispensary, then the same shall not affect the general laws pertaining to the sale of intoxicating liquors.

2. The council of the said town of Manassas shall, at some time during the month of April, following such election, and every two years thereafter, select three citizens of the said town, who shall constitute a dispensary board for said town, and whose term of office shall begin with their appointment and expire two years from the date thereof. All vacancies occurring on said board shall be filled by the council for the unexpired term thereof. The members of said board shall, before entering upon the duties thereof, make oath that they will well and truly carry out all the provisions of this act to the best of their ability, and the said council shall have the right to remove any member of said board for neglect of duty, malfeasance or misfeasance in office. Said board shall elect one of its members as chairman, whose duty it shall be to audit and approve all the bills contracted by said board, and who shall receive for his services the sum of fifty dollars per annum.

3. It shall be the duty of said dispensary board herein provided for to provide a suitable place for the sale of spirituous, vinous, malt, and other intoxicating liquors within the corporate limits of the said town of Manassas where such liquors shall be kept for sale under the direction of the said dispensary board, by the manager, who shall have charge and control of all liquors bought by said dispensary board for sale in said town. The said manager shall be chosen by said dispensary board, and shall have charge of said dispensary, or place for the sale of liquors, subject to the control of the dispensary board, and he shall be subject to dismissal at the pleasure of said dispensary board. The said manager shall give bond for the faithful discharge of his duties, to be approved by the said board and in such an amount as the said board shall fix. The said manager shall keep a record of all liquors sold, the quantity, price, and date of sale, and shall receive as his compensation such sum as may be fixed by the dispensary board.

4. The manager of said dispensary shall at all times keep, under the supervision of the dispensary board, a stock of spirituous, vinous, and malt liquors, in such quantities as the said board may provide; and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock, from time to time, shall be paid by the treasurer of the town of Manassas, upon presentation of such bills, approved in writing by the manager and the dispensary board. Said manager shall sell only for cash, and shall turn over all moneys received by him to the town treasurer, at least once a week, and oftener when so requested, and the said treasurer shall keep the same separate from other funds in his hands.

5. Said dispensary board shall, from time to time, make and publish rules and regulations for the operation of said dispensary, but in no event shall wine or liquors be sold to any person known to be an habitual drunk-

ard, to minors, or persons intoxicated, except upon the prescription of a regularly licensed physician. The dispensary shall not be opened before sunrise, and shall be closed at nine o'clock of the evening of each day, and it shall be closed Sundays, election days, and such other days, and under the same circumstances as make the sale of liquors unlawful under the laws of this State.

6. The price at which spirituous, vinous, or malt liquors shall be sold shall be fixed by the dispensary board.

7. The manager of said dispensary shall sell to no person any spirituous, vinous, or malt liquors, except in sealed packages, and whenever any original package is broken, it shall at once be bottled and sealed and the price labeled thereon. The said board shall appoint some reliable person to assist said manager whenever it shall become necessary. The said manager shall at no time keep, or allow to be kept, any broken or unsealed packages of liquor in said dispensary, either for his own use or for the use of any other person or persons. The quantity of liquor sold in said dispensary shall in no case be less than one-half pint, nor more than four gallons, and it shall be unlawful for the manager or any other person to open any such package, or bottle, or to drink any liquor of any kind within such distance from the said dispensary as the said board may prescribe. Said manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales for the preceding month, and the amount of stock on hand on the last day of said month.

8. Said dispensary board may cause an inspection and analysis to be made of the stock on hand, from time to time, by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary that are not known on the market as pure and unadulterated, and the board may have the liquors purchased analyzed, to ascertain if they are as represented. If any liquors are condemned by the chemist, making such analysis, as impure or unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the person from whom purchased, and payment for same refunded.

9. No liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board is required to make such rules, and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing, and if the said board becomes satisfied that any person, or persons, have purchased, or are purchasing liquor from said dispensary, for the purpose of selling again, they shall direct the manager as to the quantity as may be sold to such person, or persons, which shall be such quantity as shall probably prevent a sale, and if in such case the board becomes satisfied that any person, or persons, are directly or indirectly purchasing repeatedly for the purpose of reselling, then the said board is authorized to direct the manager not to sell to such persons, except upon the certificate of a reputable physician, that such liquor is needed for medicinal purposes.

The dispensary board shall have power to employ attorneys, agents, or detectives, to assist and aid in the detection and prosecution of any violation of this act; may borrow money necessary to conduct said dispen-

sary, subject to the ratification of the town council, as to the amount to be borrowed, and shall have power to do all other things not contrary to law, in order to carry out the true intent of this act.

10. The manager of said dispensary shall not allow any person or persons to loiter in or about the said dispensary, and any person who is violating this provision and refuses to leave at the request of the manager, shall be punished, upon conviction, as may be prescribed by ordinance of the town council.

11. The council of the town of Manassas shall, from time to time, pass such ordinances as may be necessary to carry out the provisions of this act and shall prescribe suitable penalties for any violations thereof.

12. The council of said town shall appropriate from the treasury of said town a sufficient amount to establish the said dispensary, which amount shall be paid into the town treasury from the profits arising from said dispensary as they shall accrue, and no profits shall be paid out in any other direction until said amount is so repaid, and thereafter said dispensary shall be supported and maintained out of the profits accruing therefrom: provided, however, that the town council may allow the said dispensary board to borrow money and buy goods on credit of the dispensary alone, if it may become necessary in order to keep said dispensary in operation.

13. The dispensary board shall make and publish an annual report, showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquors, the itemized expenses of said dispensary, salary paid manager, dispensary board, and all other moneys expended on account of said dispensary, and money received on account thereof.

14. The members of said board, other than the chairman, shall be paid the sum of twelve dollars annually.

15. The sergeant or treasurer of said town shall be liable on his official bond for all moneys received by him hereunder, and shall receive for his services one per centum for receiving, holding, and disbursing the same. He shall deposit all moneys paid to him under this act in such depository as the said town council may direct.

16. The net profits accruing from said dispensary shall be disposed of in the following manner: one-eighth to the State of Virginia and the residue to the town of Manassas, to be used as the council of said town may direct. Such distribution shall be made annually, or oftener, if so ordered by the dispensary board.

17. In establishing said dispensary, the dispensary board may purchase from the retail liquor dealers in the town of Manassas such of their stock on hand as may be desirable to keep in said dispensary: provided, that they shall not pay more than manufacturers' or importers' prices for same.

18. All laws or parts of laws in conflict with this act are hereby repealed, so far as the same may refer to the town of Manassas, and in the county of Prince William, within one mile of said town.

19. This act shall be in force from and after its passage.

CHAP. 234.—An ACT to amend and re-enact the eighteenth subdivision of section 17 of the charter of the city of Portsmouth, approved March 6, 1882.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the eighteenth subdivision of section seventeen of the charter of the city of Portsmouth, approved March sixth, eighteen hundred and eighty-two, be amended and re-enacted so as to read as follows:

XVIII. To prevent cows, hogs, dogs, and other animals from running at large in the city, and may subject the same to such confiscations, regulations, and taxes as they may deem proper; and the council may prohibit the raising or keeping of cows or hogs in the city.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAP. 235.—An ACT to amend and re-enact section 83 of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, relating to insurance brokers.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That section eighty-three of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution," approved April, sixteenth, nineteen hundred and three, relating to insurance brokers, be amended and re-enacted so as to read as follows:

§ 83. No person shall, without a license, act as insurance broker. Every person who shall solicit for compensation, directly or indirectly, to be derived therefrom any fire, marine, life, or other insurance, either on account of any person desiring to effect any such insurance, or on account of any insurance company, except the duly authorized agent (or a clerk actually employed in his office) of any insurance company licensed to do business in this State, shall be deemed an insurance broker. Any insurance agent (or a clerk actually employed in his office) who shall solicit, directly or indirectly, any fire, marine, life, or other insurance, either on account of any person desiring to effect any such insurance, or on account of any insurance company licensed to do business in this State, other than for the insurance company or companies for which he is the duly authorized agent, shall be deemed an insurance broker. Any person acting as insurance broker without a license shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offense. And any person or firm who shall fill up, sign, or deliver a policy or certificate of insurance for a corporation or association or persons not licensed to do an insurance business in this State by a legally authorized agent, shall be considered an agent of such corporation, or person, or asso-

ciation, and such person, corporation, or association shall be liable for all licenses, taxes, and penalties as if represented by a legally appointed agent. No person licensed as an insurance broker shall be authorized under his license to place any insurance in a company or association, or with a firm or person not licensed to do an insurance business in this State.

2. This act shall be in force from its passage.

CHAP. 236.—An ACT to amend and re-enact sections 21, 26, and 40 of an act entitled an act to provide for working and keeping in order the public roads of Greene and Madison, approved March 5, 1894.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-one, twenty-six, and forty of an act entitled an act to provide for the working and keeping in order the public roads of Greene and Madison, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 21. If the surveyor of any road precinct is unable with the means and labor at his disposal to keep in good condition his road precinct, he may apply to the board of supervisors of said county, who may authorize him to hire as many laborers as will suffice to keep his precinct in good order, or to repair great damages casually occurring, or open a new road when ordered by the court. The board of supervisors may also authorize the surveyor to purchase such material, tools, or implements as may be necessary to facilitate or economize the work in his precinct. It shall be the duty of the surveyor of each precinct to work his road when required to do so by the board of supervisors. The surveyor shall return to the board of supervisors a particular account on an oath of the expenses so incurred, and for hire of teams, plows, and so forth; also the expense of placing and keeping sign-boards, as before mentioned, and shall allow the same, or so much thereof as may be due, to be paid out of the county levy.

§ 26. Every surveyor of a road shall be entitled to compensation, at the discretion of the board of supervisors, and pay out of the county levy not exceeding one dollar per day. Any surveyor of a road who shall fail to perform any duty required of him in this act shall pay a fine of not less than five nor more than thirty dollars.

§ 40. Each supervisor is hereby constituted a road inspector for his magisterial district. That it shall be the duty of said inspector to see that all roads in his district are of lawful width and clear of obstructions; and it shall be the duty of each inspector, between the tenth and fifteenth of October of each year, to pass over and inspect every road in his district, and to report the result of his inspection to the county court at its March and August term of each year. Each supervisor shall receive one hundred dollars per year for this service.

2. The provisions of this act shall only apply to the working of the public roads in Madison county.

3. This act shall be in force from its passage.

CHAP. 237.—An ACT to amend and re-enact an act entitled an act to provide for working and keeping in repair the roads and bridges of Russell county, and to authorize the board of supervisors to borrow money for said purpose, approved February 21, 1900, as amended by an act approved March 28, 1903.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for working and keeping in repair the roads and bridges of Russell county, and to authorize the board of supervisors to borrow money for said purpose, approved February twenty-first, nineteen hundred, as amended and re-enacted by an act approved March twenty-eighth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

2. The board of supervisors for Russell county are hereby authorized to borrow for the county the sum of one hundred and fifty thousand dollars, and to secure the money so borrowed said board of supervisors is authorized and empowered to make, execute, and sell the bonds of Russell county, to be executed under the seal of the board of supervisors of said county, signed by the chairman of said board, and attested by its clerk. Said bonds so issued shall be in denomination of one thousand dollars each, and bear interest at the rate of five per centum per annum; the interest on all of said bonds to be paid annually. Said bonds to run from one to thirty years, as follows: Five thousand dollars of said bonds to mature at the end of the first year after same are issued, and five thousand dollars of the same to mature each year thereafter until all of said bonds mature. And to provide a fund with which to pay the annual interest on said bonds, and to pay the amount of bonds that mature each year, the said board of supervisors are hereby authorized to increase the county road levy to sixty cents on the one hundred dollars of assessable personal property and land of the county for this purpose.

Said board of supervisors shall use said one hundred and fifty thousand dollars for the purpose of constructing, building, grading, and macadamizing the main and most important public roads in said county at such points or places as said roads need macadamizing, and do said work as rapidly as practicable consistent with efficient service and economy; and to enable said board of supervisors to do this work with dispatch and efficiency, they are empowered to let the macadamizing and repairing of said roads to contract by public or private bids as will obtain the cheapest and best work, taking from the contractors who contract and agree to do said work bonds, with good and approved security, for such amount as the board of supervisors may deem sufficient to secure the faithful performance of said contract, conditioned that the said work shall be done well, and in a workman-like manner, and according to plans and specifications for such work as hereinafter provided, and within the time prescribed by said contract.

3. Said board of supervisors, in order to build and construct said roads in a workman-like manner, shall employ and pay out of said fund borrowed, at a salary of not more than one hundred dollars per month while engaged in said work, a practical engineer for the county of Russell, whose

duty it shall be to draw up, under the direction and with the aid of said board of supervisors, plans and specifications for the construction and building of said macadamized roads, as well as the unmacadamized parts thereof, in said county, whose duty it shall be to supervise, oversee, inspect, and, with the said board, receive said roads when completed by the contractors according to their contracts, plans, and specifications for building the same, said engineer to devote his entire time, under the direction of the board, to the construction of the said roads; said engineer to be the employee of the board for the proper management of the construction of said roads, to work under their direction, to make report as often as they may require of the work that is being one, and may be removed by the board at any time, on ten days' notice, for inefficiency, want of care to the work in hand, failure to do his full duty, or other just cause.

The said board of supervisors may, out of said fund, be paid for actual services rendered by them under this act at the same rate per diem that they now receive as members of said board, not to exceed, in addition to what they now receive by law, the sum of twenty dollars per year.

4. Said fund shall be expended by the board of supervisors in the order hereinafter described, to-wit:

First. The Fincastle road, from Scott county to Tazewell county line; the same to be macadamized, except such portions thereof as can be put permanently in first-class condition on the present road-bed without being macadamized, all of which is left to the sound discretion of the board of supervisors and engineer.

Second. The road from Elk Garden, at H. S. Stuart's, by way of Elk Garden church, and old Rosedale to the Norfolk and Western depot at Honaker, and the road from Lebanon, by way of Cleveland to Dumps creek, and the road from old courthouse to Castlewood depot, and the road from Lebanon by way of Hansonville to the foot of the mountain at Moccaksin gap, and the road from Swords creek to M. C. Clark's, and the road from J. T. Candler's to Caterton; and the road from S. F. Combs', by way of Sam Johnson's to Finney's siding, all of which to be graded, macadamized, and built at the same time.

The residue of said fund shall be expended in a judicious manner by the board of supervisors and engineer, so as to put the following roads in the best condition possible by macadamizing where absolutely necessary, to-wit: The road from James Counts' to Castlewood depot; from Hansonville to the old courthouse, and from Hawkins' mills down Moccaksin creek to the Scott county line, and from Honaker to B. F. Fuller's house, and from the forks of the road east of George W. House's to Elk Garden, and from Bickley's mills through Castlewood to the Scott county line, all of which shall be built at the same time in so far as it is practical to do so.

5. Said roads, when macadamized, shall be fourteen feet in width, and no road shall be macadamized that is more than four degrees in grade, and shall be built out of the creek and water courses, except where it is absolutely necessary to cross or go along same; and no macadamizing shall be done in or along creeks or water courses where the same is liable to be

washed out. All the roads aforesaid shall not exceed four degrees, and shall be at least fourteen feet wide.

6. All acts and parts of acts and laws in conflict with this act as to special road laws applicable to the county of Russell are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 238.—An ACT to establish a "good roads commission" for Culpeper county, and to provide for the expenses thereof.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Culpeper be, and they are hereby, authorized and directed to appoint a good roads commission for said county in the manner, for the purposes. and with the powers and duties herein-after expressed.

First. Said commission shall consist of five citizens of the county of Culpeper, and shall be appointed by the board of supervisors of the county of Culpeper at any regular or special meeting thereof held within sixty days from the passage of this act, and shall receive such compensation as the board of supervisors may prescribe.

Second. Said commission shall investigate the present conditions of the roads of said county and the methods of working the same, shall consider and formulate a comprehensive and detailed plan for the permanent improvement of the public roads of the county of Culpeper, showing what, if any, changes are necessary in the locations of the roads of the county; what roads, or portions of roads, are of sufficient general importance to require that they be macadamized, together with full, accurate, and detailed plans for the proper alteration, construction, maintenance, and drainage of such roads, with plans and specifications for the work and estimates of the probable expense thereof; the most feasible plan for raising the necessary funds, whether by bond issue or direct taxation, to meet the expenses incident to such damages, alterations, construction, and maintenance, and what additional taxation, if any, will be necessary to carry out the said plan of road improvement and maintenance, and to accomplish the purposes of this act the said road commission shall have power to employ a competent skilled road engineer and such other assistants as may be necessary to accomplish speedily and economically the work hereby required, and the board of supervisors shall provide for the payment of reasonable and just compensation for such engineer and assistants, and for the other expenses incident to such investigation and report, and shall cause said report, when completed, to be published with a detailed account of all expenditures made under this act: provided, that the total expense incurred in making such investigation and report shall not exceed the sum of twenty-five hundred dollars: and provided, further, that the board of supervisors may still further limit the total expense to be incurred hereunder.

Third. Said commission shall make said report within twelve months

from the passage of this act, and shall also submit therewith, and as a part thereof, a draft of all legislation which, in their opinion, may be necessary or proper for putting into full effect the plan recommended by them, and for safeguarding the public interests and for the economical working and permanent improvement of the roads. But nothing herein contained shall be construed as authorizing the board of supervisors to adopt any plan of road improvement recommended by said commission until thereunto further authorized by law.

Fourth. Said commission shall organize within ten days from their appointment by meeting at Culpeper, taking the oath of office required by law, and electing one of their number chairman and another secretary, and any three shall constitute a quorum, and a report signed by any three members shall constitute a report under this act. Any vacancy by resignation or death, or failure to qualify shall be filled by the board of supervisors at any regular or special meeting thereof.

2. This act shall be in force from its passage.

CHAP. 239.—An ACT to amend and re-enact an act entitled "an act to require the chancery court of the city of Richmond to keep in its clerk's office a book showing the amount of money and notes under the control or subject to the order of said court, approved February 19, 1898," so as to make said act apply also to the law and equity court of the city of Richmond.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to require the chancery court of the city of Richmond to keep in its clerk's office a book showing the amount of money and notes under the control or subject to the order of said court," approved February nineteen, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows: That there shall be kept in the clerk's office of the chancery court of the city of Richmond, and in the clerk's office of the law and equity court of said city, a book in which shall be kept complete and accurate accounts of all money deposited in any bank, or in the hands of any officer or depository of the said courts, or otherwise under the control or subject to the order of the said courts, and also of all notes given for the deferred payments of the purchase money for real estate sold under orders of the said courts.

2. It shall be the duty of each of the clerks of the said courts to enter in said books, under appropriate accounts, all the money and notes which shall be deposited to the credit of the court with any such bank, officer, or depository, and also all the money and notes which shall be thereafter paid out or withdrawn under orders of the court, so that the said book shall, at all times, show the true amount of money and notes so under the control or subject to the order of the court. And the said books shall be open for inspection to the public.

For his services under this act each of said clerks shall be entitled to a fee of one dollar per year for each account so kept on said books for each year in which any entry is made in said account, which fee shall be taxed

in the costs of the suit to which said money or notes belong, but only one account of the money or notes belonging to any one suit shall be kept in said book, unless otherwise ordered by the court; and no fee shall be charged for any such account for any year in which no entry is made therein.

3. This act shall be in force from its passage.

CHAP. 240.—An ACT to appropriate the moneys intended to be appropriated for the support of the work of the crop pest commission.

Approved May 14, 1903.

Whereas, by act of assembly, approved February twenty-eighth, eighteen hundred and ninety-eight, and known as the amended San Jose scale law, there was appropriated the sum of one thousand dollars to defray the expenses of the investigation in relation to the insect pest, known as the San Jose scale; and,

Whereas, by act of assembly, approved March five, nineteen hundred, known as the crop pest law, there was appropriated one thousand dollars for additional support of this work, with enlarged powers and increased duties; and,

Whereas, it was the clear intent of the legislature to appropriate for this said work as thus reorganized by the act last cited the sum of two thousand dollars in the two bills, and this intent was recognized by the auditor of the Commonwealth, and the said sum of two thousand dollars was paid by him to the said board of crop pest commissioners for the period of two fiscal years; but,

Whereas, by a ruling of the auditor of the Commonwealth, acting upon the advice of the assistant attorney-general, he has held that there was but one thousand dollars legally appropriated per annum in the two bills above cited, and has refused since October first, nineteen hundred and one, to pay other than one thousand dollars, and since October first, nineteen hundred and two, refused under construction of the new Constitution to pay out any money whatever for the purposes specified in these above cited acts; therefore,

1. Be it enacted by the general assembly of Virginia, That there is hereby appropriated from any moneys in the State treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary to defray the expenses incurred by the said board of crop pest commissioners, and now unpaid, in the performance of the duties devolving upon them by reason of the two acts of assembly above cited, and the auditor of the Commonwealth is hereby directed to draw his warrant upon the treasury of the same for this sum, or so much thereof as may be necessary to discharge the obligations made, and now pending settlement in the hands of the board of crop pest commissioners, upon the presentation to him of properly itemized vouchers authenticated by the chairman of this said board.

2. This act shall be in force from its passage.

CHAP. 241.—An ACT to authorize the city of Bristol to make an additional issue of bonds for the purpose of further improving its water works system and refunding its floating indebtedness.

Approved May 14, 1903.

1. Be it enacted by the general assembly of Virginia, That the council for the city of Bristol, Virginia, may issue bonds of said city to the amount of twenty thousand dollars, in addition to the issues of bonds heretofore authorized by former acts of the general assembly, for the following purposes, to-wit: Ten thousand dollars of said issue may be used for the further improvements of its water works system, and ten thousand dollars of said issue may be used for refunding outstanding floating indebtedness which now exists in the form of warrants, notes, and accounts.

Said bonds shall be issued in denominations of not less than one hundred dollars, nor more than one thousand dollars, at such times as the council for the said city may determine, and shall bear interest at the rate of not more than six per centum per annum, payable semi-annually, and said bonds and interest shall be payable at such place as the said council may provide, and said bonds shall become due and payable not later than fifteen years after date thereof, and shall be signed by the mayor and countersigned by the clerk of the council for said city.

The bonds herein authorized to be issued may be issued, anything in the charter of the said city of Bristol, Virginia, to the contrary notwithstanding.

2. The bonds issued by authority of this act for the improvement of the water works system shall constitute a lien upon said system, and all bonds issued hereunder shall be pledged by the faith, credit, and all properties belonging to said city.

3. The council of the city of Bristol, Virginia, is hereby authorized and directed to levy a special tax upon all taxable property in the said city, such as may be necessary for the payment of principal and interest of the bonds hereby authorized. Said tax shall be levied annually at the time and in the same manner that the taxes for the current expenses of said city are levied, and the interest coupons attached to said bonds shall be receivable in payment of taxes due the said city. The special taxes hereby authorized, and any other collections or revenues reserved by the council of said city for same, shall not be used for any purpose other than the payment of the principal and interest of said bonds, or in making investments for a sinking fund for the payment of principal of said bonds.

4. This act shall be in force from its passage.

CHAP. 242.—An ACT to amend and re-enact sections 1104 and 1105 of the Code of Virginia, relative to incorporated companies, so as to provide for the licensing of foreign corporations, and to prescribe penalties against such corporations transacting business in the State without a license, and to provide for the enforcement of such penalties.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eleven hundred and four and eleven hundred and five be amended and re-enacted so as to read as follows:

§ 1104. Every incorporated company doing business in this State shall have an office in the State, at which all claims against such company due residents of the State may be audited, settled, and paid. Every such company incorporated under a jurisdiction beyond the limits of this State (and hereinafter designated as a foreign corporation) shall, before doing business in this State, present to the State Corporation Commission (a) a written power of attorney, executed in duplicate, appointing some person residing in this State its agent, upon whom all legal process against the corporation may be served, and who shall be authorized to enter an appearance in its behalf; (b) two duly authenticated copies of the charter of the corporation, and (c) a certificate of the auditor of public accounts, showing the payment into the treasury of the fee required by law to be paid by such corporation; and shall obtain from said Corporation Commission a license to transact business in the State. If it shall be made to appear to the State Corporation Commission that said corporation has complied with the law relative to the licensing of a foreign corporation of the character of the applicant corporation, then said Corporation Commission shall issue to said corporation a license to transact business in the State. Said commission shall file and preserve in their office one copy each of the power of attorney, charter, certificate of the auditor, and a certificate of the commission granting the license, and forward copies of said documents to the secretary of the Commonwealth, who shall file and preserve the same in his office. Whenever, by reason of his removal from the State or from any other cause, the powers of such resident agent shall be terminated, then such foreign corporation shall by like written power of attorney, executed in duplicate and filed with the Corporation Commission as above provided, appoint another resident agent; one copy of such power of attorney shall be filed and preserved in the office of the Corporation Commission and the other copy thereof transmitted to the secretary of the Commonwealth to be filed in his office. If the charter of any foreign corporation licensed to transact business in this State is amended, then two duly authenticated copies of such amendment shall be presented to the Corporation Commission and filed as copies of original charters are required to be filed and the fee required by law on such amendment shall be paid in the manner prescribed by law. Any foreign corporation which has heretofore paid the fee required by law to entitle it to transact business in this State, and has otherwise complied with the laws heretofore existing relative thereto, shall not, on application for license to transact business in this State, be required to pay such fee again, nor to file a copy of the charter with the secretary of the Commonwealth, if a copy thereof

is already on file in his office. Such corporation shall pay the clerical fees for license and for filing such papers as prescribed by law.

§ 1105. If any foreign corporation shall transact business in this State without first obtaining the license provided for in the preceding section, it shall be fined not less than ten dollars nor more than one thousand dollars, such fine to be imposed by the State Corporation Commission, whose duty it shall be to see that the provisions of the preceding section are complied with. Every transaction had in the State by such a corporation without a license shall be deemed a separate offense. The officers, agents, and employees of any such corporation doing business in this State without a license shall be personally liable to the State for any fines imposed on it, and to any resident of the State having a claim against such corporation, and service of legal process upon any of said officers, agents, or employees shall be deemed sufficient service on the corporation.

2. This act shall be in force from its passage.

CHAP. 243.—An ACT to appropriate the sum of \$10,000, or so much thereof as may be necessary, to carry out the provisions of the act to provide a statue of Robert Edward Lee, to be placed in statuary hall at Washington, and to constitute a commission to contract for said statue and present the same.

Approved May 15, 1903.

Whereas, the general assembly of Virginia, by an act which became a law on the thirteenth day of March, nineteen hundred and three, did enact that a statue of Robert Edward Lee be furnished by the State of Virginia to be placed in the National Statuary Hall of the capitol of the United States at Washington, District of Columbia, and did provide in said act for a committee, composed of members of both houses of the general assembly, to ascertain and report with as little delay as possible the appropriate kind of statue and its cost, after conference with Edward V. Valentine, the eminent Virginia sculptor; and,

Whereas, the said committee have duly performed the duties imposed upon them by said act, and have reported that in their opinion the appropriate kind of statue will be a life-size portrait statue in bronze, and that such a statue will cost the sum of ten thousand dollars;

1. Be it enacted by the general assembly of Virginia, That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, to be used by the commission hereinafter constituted in the purchase and presentation of said statue and in paying such expenses as may be necessarily incident thereto.

2. That a commission, to consist of ten members, five of whom shall be selected from among the present membership of the senate by the president thereof, and five of whom shall be selected from among the present membership of the house of delegates by the speaker thereof, be, and the same is hereby, constituted under the name and style of "the Lee Statue Commission," with power and authority to choose a design to be submitted by said Edward V. Valentine, for the said statue

of Robert Edward Lee, and to contract with said Valentine for said statue, including a suitable pedestal, at a price not to exceed the said sum of ten thousand dollars: provided, that said statue shall be of bronze and shall be a life-size portrait statue.

3. The said commission shall choose one of its members as chairman and another as secretary, who shall, when authorized by said commission, make an order on the auditor of public accounts for said appropriation in such amount or amounts as said commission may direct, and the auditor of public accounts is hereby directed, upon presentation of such order, or orders, duly signed by the chairman and attested by the secretary of said commission at any time within two years from the end of the present session of the general assembly, to draw his warrant upon the State treasurer for the payment of said appropriation in such amount or amounts as may be so ordered: provided, however that not more than one-third of the said sum of ten thousand dollars, hereby appropriated, shall be available before the completion of the said statue.

4. That when said statue and pedestal are completed, the said commission shall cause them to be safely transported to the capitol of the United States at Washington, and shall there present them to the federal government as a good-will offering from Virginia to the nation, of which she forms a loyal constituent part, for the purpose of being placed, as one of the two statues to which Virginia is entitled, in the National Statuary Hall, under the terms and according to the provisions of the statute in such cases made and provided: provided, however, that said statue shall not be so taken to Washington or presented by the national government until the time therefor shall be fixed by joint resolution of both houses of the general assembly.

5. This act shall be in force from its passage.

CHAP. 244.—An ACT to provide a road law for Appomattox county, and to repeal all acts in conflict therewith.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That for each magisterial district in the county of Appomattox there is hereby created and established a road board, consisting of the supervisor (who shall be chairman of said board), a commissioner of roads, and one of the justices of the peace of said district (who shall be designated by the judge of the county court, and who shall be ex-officio clerk of said road board), which said board shall have exclusive control of the roads and bridges of said district.

2. That the commissioner of roads shall be elected by the qualified voters of the district in which he resides at the election held on Tuesday after the first Monday in November, nineteen hundred and three, and every four years thereafter, their terms of office beginning on the first day of January next succeeding their election. Each commissioner of roads

and each justice of the peace designated as aforesaid shall qualify before the county court, and the commissioner shall, at the time of his qualification, give bond, with good security, in the penalty of not less than one thousand dollars.

3. The said commissioner of roads shall receive such compensation for his services as the board of supervisors shall allow, not to exceed two dollars per day, and not to exceed seventy-five dollars in any one year; and the justice of the peace shall receive for his services ten dollars per annum, to be paid to him at such times and in such amounts, by warrants drawn by said board on the treasury of said county, as said board may by its order entered on its minutes determine. Any vacancy in the office of commissioner or justice of the peace shall be filled for the unexpired term by the county court. The said commissioner and justice of the peace, before entering upon the duties of their office, shall severally take an oath to faithfully perform the duties of their offices, which oath shall be filed by the clerk of said county court.

4. Each commissioner shall, as soon as practicable after his qualification, carefully examine all the public roads of his district and lay off and divide them into sections of such length as to the road board of said district may seem practicable.

5. The commissioner of each magisterial district shall let to contract for terms of from one to five years, in the discretion of the road board, in one or more sections (the sections having been numbered), to the lowest responsible bidder, having first advertised for sealed bids, stating clearly in the advertisement the work to be done on said section of roads or bridges therein, in addition to what is specified and required by section nine hundred and eighty-two of the Code, notice of which letting to contract shall be posted for not less than ten days at each postoffice and other public places in the district. The bids shall be in writing, and signed by the contractor, and the same shall be delivered, under seal, to the said road board for their examination and acceptance or rejection; and at their first meeting thereafter each contractor shall be required to execute a bond to the county, with good security, in the penalty of at least double the amount of his bid, conditioned for the faithful performance of his contract, and a recovery may be had for any breach of said contract in the name of the county for the benefit of the road fund in the county court by motion after ten days' notice to the contractor and his security; and in case of recovery on said motion the same costs shall be taxed in said judgment as if the motion was in favor of the Commonwealth. And any such judgment may be deducted by said road board from the amount due said contractor on his contract. The attorney for the Commonwealth shall institute and prosecute such motion. The said contract and bond shall be filed with the clerk of said road board.

6. Should there be any section or sections of road upon which there is no sealed bid, the road commissioner, after advertising as is hereinbefore directed, may receive propositions to contract for said section or sections without requiring said proposals to be sealed; said proposals to be subject to the same requirements in contracting as sealed bids.

7. If any section or sections of road remain unlet by reason of there be-

ing no bid, or for any other reason, the commissioner of roads shall appoint or employ an overseer for such roads or section of road, said overseer to be paid such compensation per day as may be agreed upon by the road board. Said overseer shall employ such labor as may be necessary to keep such road in repair, paying such prices as are customary in the community.

8. An itemized account of all work done by overseers shall be kept, and said overseers shall make off and swear to said account, and submit same to the commissioner of roads; and upon his approval said accounts shall be presented to the road board, and if found to be correct, said road board shall give its warrant upon the county treasurer for the amount.

9. It shall be the duty of the commissioner of roads to give personal supervision to all roads and bridges within their respective districts, and especially require foot crossings to be constructed or maintained over all streams where necessary for the convenience of pedestrians. To see that the contractor is faithfully performing his contract, and for any failure in carrying it out, the commissioner of the district shall at once institute, through the attorney for the Commonwealth, proceedings for the recovery of damage for the breach of said contract.

10. Overseers appointed or employed under this act shall be subject to the same requirements under section nine hundred and eighty-two of the Code as a contractor.

11. The contractors shall be paid for work done under their contract semi-annually, or oftener, as the road board may determine, which payments shall be made by the warrant of said board upon the county treasurer, but payment shall be withheld by said board if at the time fixed for such payments said contractors' road is not in order until the commissioner supervising the same shall report it to be in the condition required by his contract.

12. The county treasurer shall keep the road fund separate from other tax funds, and the entire fund shall be placed to the credit of the road fund.

13. All road taxes shall be expended in the district from which they are collected: provided, however, that the construction of new bridges shall be under the supervision and control of the board of supervisors and the cost of construction paid for out of the contingent fund of the county.

14. Except as hereinbefore provided, the county treasurer shall hereafter pay no money collected from road taxes except on the warrant of the road boards of the several magisterial districts. No person or persons in Appomattox county shall hereafter be compelled to work on the public roads without compensation.

15. No member of the road board shall be directly or indirectly interested in any contract made under this act, and any participation therein by either shall render the contract null and void.

16. For the additional services required by this act, the supervisors of each district shall receive fifteen dollars per annum.

17. The road board of the several districts may sell or dispose of any tools or implements which may be delivered to them by the present road officials, or may have them used upon the roads of the county as in their discretion may appear best for the county. Any act required to be done

by said road board under and by virtue of this act may be done at any meeting thereof.

18. All applications for new roads, or for the change of location of existing roads, shall be made to the county court, and proceedings thereof shall be as now provided by the general law. When any new road is ordered to be opened, or the location of any road changed, the order so declaring shall be certified to the road board of the district wherein such road is located, and said board shall proceed to have the work done by contract as provided for keeping the roads in order in this act.

19. The general road law of this State, except so far as in conflict with this act, shall be in force in the county of Appomattox.

20. All acts and parts of acts inconsistent with this act are hereby repealed.

21. This act shall be in force on and after the first day of November, nineteen hundred and three.

CHAP. 245.—An ACT to amend and re-enact an act entitled “an act to authorize the mayor and town council of West Point to borrow money for public improvements,” approved February 7, 1894.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to authorize the mayor and town council of West Point to borrow money for public improvements,” approved February seven, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

That the mayor and town council of the town of West Point be, and are hereby, authorized and empowered to borrow for said corporation and for the purpose of procuring for said town a water supply for fire protection, and for such other purposes as the mayor and council of said town may think proper for the improvement of said town, a sum of money not exceeding twenty thousand dollars, by the issue and sale of bonds of the said corporation, as hereinafter provided.

2. The said bonds authorized by this act shall be of such denomination, run for such length of time, bear such date or dates, and be at such rate of interest, not exceeding six per centum per annum, as may be determined upon by the mayor and council of said town. They may be registered or coupon and interchangeable, and if the mayor and council of said town so determine, may be exempt from taxation by said town, and the interest thereon shall be paid semi-annually on the first day of January and the first day of July, by the treasurer of said town. The principal of said bonds shall be payable when due, or upon the call of the said corporation at any time. Said bonds shall be signed by the mayor of the said town and shall have affixed thereto the seal of the said town and attested by the clerk of the town council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and town council: provided, that said bonds shall not be sold or

negotiated for less than their par value: and provided, further, that this act shall not be operative until the question has been submitted to a vote of the people of said town, and it shall appear by the report of the board of commissioners that three-fifths of the qualified voters of said town voting upon the question are in favor of subscription, and that said three-fifths include a majority of the registered voters of said town. The town council of said town is hereby authorized to order such election at such a time as it seems proper, after giving thirty days' notice by posting notices of the same at three or more places in said town; said election to be conducted in the same manner as other elections in said town.

3. In order to provide for the payment of the accruing interest on said bonds and the principal thereof, the said mayor and town council are hereby authorized and empowered to levy and collect a tax, not exceeding in amount thirty cents on a hundred dollars' worth of property, to be known as the public improvement tax, and to be applied exclusively to the purposes of this act.

4. This act shall be in force from its passage.

CHAP. 246.—An ACT to amend and re-enact section 4 of an act approved March 4, 1896, entitled an act to provide for the working and keeping in repair the public roads and bridges in the counties of Northumberland and Westmoreland.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That section four of an act approved March fourth, eighteen hundred and ninety-six, entitled an act to provide for the working and keeping in repair the public roads and bridges in the counties of Northumberland and Westmoreland, be amended and re-enacted so as to read as follows:

§ 4. Whenever, in the judgment of the board of supervisors of each of the said counties, it is desirable to work the roads in any district within the respective counties other than by the contract system, they shall have power to employ some responsible person who resides in the district in which the work is desired to be done, who shall be the superintendent of the work and attend to the hiring of so many men as are required to perform the necessary labor at such a sum per day as the said board may determine upon, and the said superintendent shall receive for his services such sum per day as the said board and himself shall agree upon for each day that he may superintend the working of the roads. Every superintendent shall present to the board of supervisors at its next regular meeting succeeding the completion of the work his accounts for services, together with a full list of the men who have performed work upon the roads in his district in obedience to call, an itemized statement of the time engaged, and the amount, respectively, due for such work, and also a statement of the number of teams, wagons, carts, plows, and such other implements used, by whom furnished, the amount due for each, and time actually employed in work,

together with all expenses incurred by him in working the roads under his charge. This return shall be sworn to before the board by the superintendent at the time it is made, and the board may, if it deem it necessary, require any other evidence as to its correctness. No such return shall be passed upon unless it is in proper form. Such return may be approved by the board in whole or in part, or it may reject the same in toto. If approved in any way, the board of supervisors shall issue the proper warrants upon the county treasurer for payment of amounts due.

It shall be the duty of the board of supervisors to carefully scrutinize each account, and if, from the knowledge of any member or from other evidence there be any reason why any return, or any part thereof, should not be allowed, the board shall reject the same in full or in part.

A day for work mentioned in this act shall not be less than eight hours.

All warrants issued by virtue of this act shall be received in payment of all dues and demands held by the county against the legal holder thereof, except what may be due for county or district free school purposes.

2. This act shall be in force from its passage.

CHAP. 247.—An ACT authorizing mutual life insurance companies chartered in this State to re-incorporate as stock companies under their existing corporate names.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That any corporation incorporated as a mutual life insurance company under the laws of this State is hereby authorized to re-incorporate as a stock company under its existing corporate name.

2. Before the State Corporation Commission shall issue a certificate of such re-incorporation it shall be satisfied that the application for such re-incorporation has been approved by a majority vote of the members of the company, in person or by proxy, at a meeting of the insured called to consider the same, of which meeting a written or printed notice shall have been mailed to each member, who shall have been such for thirty days, directed to his address, appearing on the company's books, at least fifteen days before the day fixed for such meeting.

3. Upon such re-incorporation said company shall be entitled to all the assets, and shall be subject to all the existing liabilities of the present company, including all contracts, policies, or certificates with its members, and agreements between such members and the subscribers to any guaranty or any reserve fund heretofore made or approved at an annual meeting of the members, or which may be ratified at the meeting called to consider such re-incorporation.

4. Any such company re-incorporating under this act shall, upon application for license to do business in this State, be allowed, as a credit upon its license for the residue of the current year, an amount on account of

license already paid for the year, proportionate to the unexpired portion of the year for which such license had been paid.

5. Any company availing itself of the provisions of this act shall deposit with the treasurer of the State not less than fifty thousand dollars or more than one hundred thousand dollars of solvent bonds, the amount to be determined by the State Corporation Commission, unless companies availing themselves of the provisions of this act shall themselves determine to make the full deposit of one hundred thousand dollars.

6. This act shall be in force from its passage.

CHAP. 248.—An ACT to amend and re-enact sections 6, 7, 15, 16, 17, 21, and 29, and to repeal sections 9, 11, 19, and 24 of an act entitled an act to amend the charter of the town of Big Stone Gap, and to legalize certain acts of the town council, approved February 28, 1890, as amended by an act entitled an act to amend and re-enact sections 4, 11, 15, and 17, and to repeal sections 12 and 13 of said original act, approved February 24, 1898.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That sections six, seven, fifteen, sixteen, seventeen, twenty-one, and twenty-nine of an act entitled "an act to amend the charter of the town of Big Stone Gap, and to legalize certain acts of the town council," approved February twenty-eighth, eighteen hundred and ninety, as amended by an act entitled an act to amend and re-enact sections four, eleven, fifteen, and seventeen, and to repeal sections twelve and thirteen of said original act, approved February twenty-fourth, eighteen hundred and ninety-eight, be amended and re-enacted as follows:

§ 6. The mayor and trustees, composing the council, shall be elected on the second Tuesday in June, of the year nineteen hundred and three, and every second year thereafter, to go into office on the first day of September succeeding, to hold office for two years thereafter.

§ 7. When, from any cause, a vacancy shall occur in the office of mayor, trustee, sergeant, or treasurer, it shall be filled by the council at its next regular meeting from the qualified electors of said town; such appointee to hold office until the end of the term for which his predecessor was elected, and an entry of any such appointment shall be made on the town minute book.

§ 15. A town sergeant shall be elected on the second Tuesday in June, nineteen hundred and three, and every second year thereafter, to go into office on the first day of September succeeding, to hold office for two years thereafter. He shall execute bond in such amount as the council may prescribe and approve.

As many assistant sergeants as the council may authorize may be appointed by the mayor. The mayor shall have power to remove the sergeant or any assistant sergeant for cause, but he shall certify the removal, with the cause therefor, to the council at its next regular meeting.

§ 16. The council may appoint such other town officials as it sees fit, prescribe their duties, and fix their compensation, as well as the compensation of the sergeant, assistant sergeants, treasurer, and mayor.

§ 17. A town treasurer shall be elected on the second Tuesday in June, in the year nineteen hundred and three, and every second year thereafter, to go into office on the first day of the succeeding September, and to hold office for two years. He shall give bond, to be approved by the council, before entering on his duties. He shall collect all taxes, levies, licenses, and assessments due the town, and receive all funds collected by the mayor or other members of the council as fines and penalties. He shall pay out town moneys only on warrants signed by the recorder and countersigned by the mayor. He shall keep proper books, and shall make monthly and annual statements to the council, showing all moneys received and paid out. He may be removed for cause by the council, by a majority vote of the whole council, such vote, and the reason therefor being spread upon the minutes of the council.

§ 21. The council may, in addition to the powers given by general law, pass ordinances imposing punishment for all offenses against the ordinances of said town, except felonies committed within said town; and the town authorities shall have exclusive jurisdiction of the trial thereof; and all by-laws and ordinances and resolutions or acts under authority thereof, heretofore passed or done, are hereby declared legal and binding.

§ 29. If such an election be held, and a majority of the votes legally cast be found in favor of an issue of bonds, it shall be the duty of the town council to elect four competent and suitable residents of said town, who, together with the mayor of the town, shall compose a board to be known as the board of sinking fund commissioners. The mayor of the town (ex-officio a member) shall be the president of the said board. All the members of the said board shall give bond before entering on their duties in such sum and with such security as the council may prescribe, and no trustee of the town shall be a member of said board. Of the members of said board first elected, one shall be elected to hold office for one year, one for two years, one for three years, and one for four years, and until their respective successors are duly elected and qualified, unless removed by the council; and annually thereafter one member shall be elected to hold for four years from the date of his qualification, and until his successor is duly elected and qualified, unless sooner removed by the council: provided, that the mayor (member ex-officio) shall be succeeded in the office of president of said board by his successor in the office of mayor. When any member of said board shall die, resign or become incapacitated, the council shall forthwith elect a successor in office. It shall be the duty of the board of sinking fund commissioners, when any issue of bonds is ordered by the council, to have the same prepared, signed by the president of said board and the recorder of said town, and to sell the same on the best terms and for the best price that can, by all reasonable effort, be obtained.

Whenever an issue of bonds shall have been made, it shall be the duty of the town council to levy and have collected a sufficient sum each year after such issue to pay the interest on said bonds which will have accrued up to the time such collection can be made and dis-

bursed, and also equal to such proportion of the principal of all of such bonds as one year bears to the number of years to elapse from the date of issue of such bonds until the time the same became due and payable.

The sums thus collected shall be turned over to the board of sinking fund commissioners, who shall, when it is due, pay the accrued interest on all of said bonds, and the balance of the money thus placed in their hands shall be by said board invested in interest-bearing or dividend-paying securities which, in their judgment, are safe and not liable to fluctuate in value. And the fund thus collected shall, until the discharge of the bonds of the issue to secure which it is collected, be applied to no other purpose whatever.

The council shall make and pass all necessary by-laws and ordinances to carry out the provisions above as to the creation, investment, preservation, and application of such sinking fund.

2. Be it further enacted, That sections nine, eleven, nineteen, and twenty-four of an act entitled "an act to amend the charter of the town of Big Stone Gap and to legalize certain acts of the council, approved February twenty-eighth, eighteen hundred and ninety, as amended by an act entitled an act to amend and re-enact sections four, eleven, fifteen, and seventeen, and to repeal sections twelve and thirteen of said original act, approved February twenty-fourth, eighteen hundred and ninety-eight, be, and the same are hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 249.—An ACT to authorize the council of the town of Edenburg, in Shenandoah county, to acquire land for cemetery purposes, and to sell and convey lot or lots therefrom to purchasers.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Edenburg, in Shenandoah county, is hereby authorized to acquire by purchase or otherwise sufficient real estate for the purposes of a cemetery, as shall be deemed sufficient to bury the dead of said town therein.

2. The council of the said town shall have authority to sell and convey any of said lots to purchasers, and for this purpose the mayor is empowered to convey the title of the said town in said real estate so acquired to the purchaser, which conveyance shall be countersigned by the clerk of said town council, and in all other respects conform to such ordinances as the council of the said town shall hereafter prescribe.

3. The council shall have the power to make all necessary and reasonable ordinances controlling the use and management of said cemetery, and all conveyances made shall be made subject to this condition, whether written in the deed or not.

4. This act shall be in force from its passage.

CHAP. 250.—An ACT to amend and re-enact an act entitled an act to amend and re-enact an act approved March 7, 1900, entitled an act to provide for working and keeping in repair the public roads and bridges of the county of Washington, and to authorize the board of supervisors to borrow money by the issue of bonds, and to build bridges and macadamize the roads in said county, and to authorize the qualified voters of said county to vote on the question, approved April 2, 1902.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act approved March seventh, nineteen hundred, entitled an act to provide for working and keeping in repair the public roads and bridges of the county of Washington, and to authorize the board of supervisors to borrow money by the issue of bonds, and to build bridges and macadamize the roads in said county, and to authorize the qualified voters of said county to vote on the question, approved April second, nineteen hundred and two, be amended and re-enacted so as to read as follows:

That the board of supervisors of Washington county be, and they are hereby, constituted a road board for said county, which board shall take charge of, and have worked and kept in repair, all public roads and bridges heretofore and hereafter established in said county, and may adopt such regulations as may be necessary to secure the proper working of the roads, or building and repair of the bridges, in said county, and for that purpose purchase such tools, machinery, stock, wagons, carts, and so forth, for said county, or any district therein, as they deem necessary, or they may let to contract the construction or improvement of said roads and bridges upon such terms as they deem proper, or may employ convict labor thereon in the manner prescribed by law.

2. They shall annually levy, along with the county levy, a tax upon all the property—real and personal—assessed for taxation in the several magisterial districts of the county, which shall be applied to working and keeping in repair the public roads and bridges in said districts, and the compensation of the engineer and others provided for under the provisions of this act. Such tax shall not be more than fifty cents on every one hundred dollars' valuation of such property. The said levy and other levies made under this act shall be collected, accounted for, and paid out on the warrant of the said board as if it were a county levy, except that the levy for each magisterial district shall be kept separate by the county treasurer: provided, that each supervisor may draw on his own warrant only the funds of his magisterial district, as hereinafter provided. And a different rate of taxation may be prescribed in the different magisterial districts in said county. And the amount collected in each magisterial district shall be expended in the district in which it has been collected.

3. Said board of supervisors shall appoint a competent engineer, who shall be known as the "road engineer," whose duty it shall be to superintend all roads in said county; and any application for a new road or change in grade of an old road shall be made to the board of supervisors, and if considered of public necessity, they shall order the said engineer to locate, or re-locate, as the case may be, the said road, and the said engineer, after having notice served upon the land owners through whose

property the proposed road may run, or upon their tenants in possession, shall proceed to execute said order, and if said engineer cannot agree with said land owners as to the amount of damages to be paid, said land owners, or any of them, he shall designate and appoint three disinterested resident freeholders, whose duty it shall be to promptly ascertain and report to said engineer a just compensation for the land to be used for such road, and the said engineer shall make his report at the next meeting of said board, showing the probable cost of construction, the damages allowed, and anything else pertinent that may be required by the said board: provided, however, that no new road shall be located at a steeper grade than three and one-half degrees, and no road already established shall receive any of the public money after one year from the passage of this act, unless it shall be regarded so as to conform to the same degree, unless the engineer shall certify that it is impracticable to get the degree required by this act: provided, further, the degree shall not be changed on the road known as the Abingdon and Russell turnpike road. The board of supervisors may alter, reject, or confirm the report of the engineer. And if the land owners through whose lands the road is proposed to be located, or re-located, as the case may be, cannot agree with the engineer as to the amount of damages, or any other matter affecting their interests, then any land owner who may feel aggrieved by the said report of the road engineer may make exceptions thereto before said board; and if any land owners feel aggrieved by the acts of the said board, he may have said report, with the alterations, if any, returned by the board of supervisors to the next term of the circuit court of said county, where he may make exceptions thereto, and the said circuit court shall consider said report as if it were the report of the viewers contemplated in section nine hundred and forty-nine of the Code of Virginia of eighteen hundred and eighty-seven, except that no further notice to said land owners, or their tenants in possession, shall be required; and all subsequent proceedings thereon shall be under the general provisions of chapter forty-three of said Code, except that when any road shall be ordered to be opened, made or altered, located or re-located, the same shall be done by and under the supervision of the county road engineer, as herein provided: provided, further, that the judge of the circuit court shall, if he deems the said report of the road engineer insufficient in any particular, recommit the said report to the said engineer for a more full and explicit report; and under proceeding under this act in said court shall have precedence over all other civil cases on the court docket, except unlawful detainer cases on said docket.

4. A road engineer shall hold his office for the term of his appointment, unless sooner removed by said board. The said engineer shall receive such compensation for his services as said board shall allow.

The engineer shall make annual reports to the board of supervisors, or oftener, as said board may direct, of the condition of the roads and bridges in each magisterial district in said county, the progress of any new work, the amount of money required to complete said work, any change or changes necessary in any roads or bridges in the several magisterial districts in the county, the probable cost of the same, and anything else deemed pertinent by said board.

5. Each supervisor shall have charge of the roads of his district, and shall have power to appoint a sufficient number of foremen to take charge of the hands in his district; said foreman shall be able to read and write, and shall make reports from time to time to the supervisor as he may direct. In case of a road or bridge being on the line dividing two magisterial districts, the road engineer and the supervisors of the adjoining districts shall divide the road between each district in such a way as will equally divide the expense of repairing said road.

6. If a bridge is to be built or repaired on the line, each district shall bear one-half of the expense of building or repairing said bridge. Each supervisor shall receive for his services, to be paid out of the road fund of his district, one dollar and fifty cents per day for each day actually employed in looking after the roads in his district: provided, he shall not receive more than one hundred dollars for the same in any one year. The foreman appointed under this act shall receive not less than one dollar nor more than two dollars per day for the time actually employed on their roads; and all hands shall receive the usual price paid for similar work in said county. The supervisor of each district shall buy and keep in repair all the necessary tools for working and keeping in repair said roads in his district. In the event that expensive machinery is wanted, he may combine with any or all other supervisors of the county in purchasing the same. In case any foreman fails to keep his road in order, on the complaint of any three tax-payers of his district, he may be fined not more than twenty dollars, if it can be shown that he has funds at his command for repairing said road. Said fine shall be recoverable before any justice of the peace in said county. If any supervisor shall fail or refuse to keep the roads in his district in repair, after being notified by the road board to do so, and it can be shown that he has money at his command, he may be fined not more than fifty dollars for each offense, said fine to be recoverable before the circuit court of the county; and it is hereby made the duty of the prosecuting attorney to prosecute said supervisor for such failure.

7. For the purpose of constructing and macadamizing roads and building new bridges in said county, the board of supervisors be, and they are hereby, empowered to issue bonds in the name and on behalf of the county of Washington, to be called "public improvements bonds," for a sum not exceeding two hundred thousand dollars, and to sell the bonds under such conditions as are hereinafter prescribed, and with the proceeds of such sale to build roads or bridges in the various districts of said county, expending in each district such proportion thereof as said board may deem advisable: provided, that the board of supervisors shall not issue any bonds or other evidences of debt provided for in this act in excess of one hundred thousand dollars until it has ordered a special election for the purpose, and submitted the question of issuing said bonds to the qualified voters of Washington county. They shall fix the time for holding such election, and cause notice thereof to be published at least four times in any newspaper published in the county, and to be posted at each voting place in the county at least one month before said election. Said election notices shall state the purposes for which said election is held.

8. The bonds issued in pursuance of this act shall be coupon bonds of not less denomination than one hundred dollars nor more than one thousand dollars each, payable in not more than forty years from their date, and bearing interest, payable annually, at a rate not exceeding six per centum per annum; the said board having the right to redeem any of said bonds after the expiration of ten years. The said bonds shall be issued in the name of Washington county, Virginia; shall be signed by the chairman of the board of supervisors of said county, attested by its clerk, and shall have affixed thereto the seal of said board.

9. The said board of supervisors is hereby empowered to make sale of said bonds, but no bonds shall be sold for less than the par value thereof, and the said bonds and coupons and interest thereon shall be redeemable in lawful money at maturity, and shall be receivable at maturity for all taxes and other debts due the said county of Washington, except school levies.

10. The form of said bonds and coupons shall be determined by the said board of supervisors.

11. The said bonds and coupons issued under this act shall be redeemable at the office of the treasurer of Washington county, and when paid by him, or received for taxes or other debts, shall be marked paid or cancelled.

12. The said board of supervisors shall create a sinking fund to be applied to the redemption and payment of the bonds issued for the building and improvement of roads in any or all of the districts of said county, and shall annually, until such bonds are paid, pay over to the sinking fund commissioners provided for in this act a sum sufficient to pay off said bonds in forty years.

13. Three substantial citizens and tax-payers of Washington county, to be designated by the board of supervisors, are hereby appointed a board of sinking fund commissioners, who shall give bond to said board, to be approved by them in double the amount of money likely to come into their hands for the faithful performance of their duty; and it shall be the duty of said commissioners to receive said sinking fund and loan or invest the same in road bonds of the county, keeping a separate account of the funds received from and disbursed for each district; they shall receive for their services one per centum of all money so received and loaned or paid out. Should either of said sinking fund commissioners fail or refuse to qualify, or after qualifying resign or die, then said vacancy shall be filled by the board of supervisors.

14. It shall be the duty of the officers charged with conducting elections in Washington county to hold an election when so directed by the judge of the circuit court of said county, which judge shall, upon the passage of a resolution by the board of supervisors requesting him so to do, order an election, in accordance with the provisions of this act, for the purpose of taking the sense of the qualified voters of said county upon the question of issuing the bonds authorized by this act. Said election shall be by ballot, and be conducted as other elections are conducted. Upon each ballot shall be printed the words "for bonds" and "against bonds." Each voter shall be handed a ballot at the voting place, and he shall ex-

press his choice by scratching from the ballot the words "for bonds," if he desires to vote against the issue; "against bonds," if he desires to vote for the issue.

15. The judges of each election precinct shall ascertain the will of the people by counting the ballots, and shall certify the result to the judge of the circuit court in the manner and form of other elections.

16. The commissioners of election shall canvass the returns within ten days after the election, and declare the result.

17. The bonds provided for in section seven of this act shall be issued, if a majority of those voting at such election shall vote for the issuance of the same: provided, a majority of the legalized voters of said county vote at such election. But should a majority of the ballots be cast against said issue, then the question shall not within twelve months be again submitted to the vote of the people.

18. It shall be lawful for the board of supervisors to build bridges wherever the public necessity may demand. Upon the recommendation of the supervisors of two adjoining districts, when they shall determine to build a bridge on the line between said districts, or upon the recommendation of the supervisor of a district when he shall decide to build a bridge in his own district, the board of supervisors may, by and with the advice of the county engineer, locate said bridge, and require said engineer to make a report to them, giving plans and specifications, and the probable cost of such bridge; and said board may lay a local levy on said district or districts to pay for the building of said bridge, and the district in which any bridge is built shall bear the whole expense of such bridge, or if built between two districts, they shall bear each one-half of the said expense, and the board of supervisors may issue certificates for the whole amount of said expense, payable in one, two, three, four, and five years, bearing interest at the rate of six per centum per annum, and the said certificates shall state upon their face for what bridge they are issued, and out of what district levy they shall be paid, and the terms of their payment.

19. The said board is hereby empowered, without submitting the question of a bond issue to the voters of said county or any district therein, to issue bonds of said county for such an amount as they deem necessary, not in excess of one hundred thousand dollars, for the purpose of constructing, macadamizing or improving the roads in said county, or any district or districts therein: provided, that from the money obtained under the provisions of this section, not more than twenty-five thousand dollars shall be expended in any one district of said county.

Said board may levy a tax in such district or districts wherein said improvements are made, in addition to the regular county levy, for an amount sufficient to pay the interest on and provide a sinking fund for the amount or amounts so expended in said district or districts: provided, said tax shall not be more than fifty cents on every one hundred dollars' valuation of property—real and personal—in said district or districts.

20. It shall be the duty of the judge of the circuit court of said county, before authorizing an election on the question of a bond issue,

and before any bonds are issued by the board of supervisors under section nineteen of this act, to appoint two resident freeholders in each magisterial district, wherein said improvements are contemplated, who, together with the supervisor from that district, shall be known as the "district road commission," any two of whom shall constitute a quorum, of which the supervisor from that district shall be ex-officio chairman. It shall be the duty of said district road commission to determine upon and recommend to the board of supervisors what improvements are most needed in its district, and to see that the money set apart by the board for improvements in that district is properly and judiciously expended, to the end that the public interest may be fully protected. Said district road commission shall report annually, or oftener, if required, to the supervisors showing an itemized account of the expenditure of said fund. All moneys realized from the sale of bonds issued under the provisions of this act shall be received by the treasurer of said county and shall be drawn out of his hands for improvements in the various districts, on warrants ordered to be issued by the board of supervisors, upon the recommendations of the district road commission of said respective districts, said warrants to be signed by the chairman of said board and countersigned by the chairman of the district road commission of the district wherein said improvements have been made.

21. The board of supervisors shall cause to be kept an itemized account of all work done and money expended in road improvements, with the funds received from bonds issued under this act, which shall be recorded by the clerk of the board of supervisors in a book to be kept for the purpose and published in the same manner provided by law for the publication of other expenditures.

22. The board of supervisors shall devise a system of book-keeping in order to carry out the intention of this act, and require by order the clerk of said board to keep said books as directed, and they shall prescribe the method by which the treasurer shall keep his books with reference to the county and district road levy, and the collection of the county and district road tax, and require said treasurer to follow said plans, and if the treasurer or clerk of the board of supervisors shall fail or refuse to so carry out the order of the board of supervisors, they shall be fined for each offense not less than twenty-five dollars nor more than fifty dollars, said fine to be recoverable by motion after reasonable notice in the circuit court of said county.

23. It is further provided that the board of supervisors may let to contract, if they think proper, the building of any of the bridges across the said stream, or the macadamizing or keeping in repair of the roads provided for in this act, to the lowest responsible bidder, and have the power to reject any and all bids.

24. Specifications for said work shall be drawn by the road engineers and the work carried on under his supervision: provided, that no supervisor, road engineer, or foreman shall be personally interested, either directly or indirectly, in any contract for the building of any bridge, or the making or altering of any road.

25. This act shall be liberally construed, to the end that its purposes may be fully carried out.

26. All acts or parts of acts in conflict with this act are hereby repealed.

27. This act shall be in force from its passage.

CHAP. 251.—An ACT to authorize the council of the town of Hampton to borrow \$25,000, and issue bonds therefor.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Hampton, Virginia, be, and it is hereby, authorized and empowered to issue bonds upon the faith and credit of the said town to an amount not exceeding twenty-five thousand dollars, such bonds to be of such denominations and to be made payable at such time or times, not less than twenty nor more than forty years after their date, as the said council shall determine. None of the bonds issued under the authority of this act shall bear a greater rate of interest than five per centum, or be sold for less than par.

2. The proceeds of the sale of the said bonds shall be applied by the said council to the permanent improvement of the whole or any part of Locust, Wine, Hope, Holt, and Queen streets and Melrose avenue in the said town: provided, however, that no purchaser of the said bonds shall be held responsible for the application of the proceeds arising from the sale thereof.

3. The treasurer of the said town shall keep a separate account of the money arising from the sale of the said bonds hereby authorized to be issued, and shall disburse the same under the direction of the council. The treasurer's compensation for receiving the money arising under this act, and for disbursing the same under the orders of the said council, shall be two per centum.

4. This act shall be in force from its passage.

CHAP. 252.—An ACT providing for the working, opening, and keeping in repair the roads in Cumberland county.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That an act providing for the working, opening, and keeping in repair the roads in the county of Cumberland, and for the building and keeping in repair the bridges in said county, approved March the third, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

That from and after August the first, nineteen hundred and three, all of the public roads in the county of Cumberland shall be under the direction, care, and control of the board of supervisors of said county.

And it shall be the duty of said board of supervisors to see that the county road funds are economically, usefully, and intelligently expended; to establish rules for making, altering, repairs, and maintenance of roads as provided by law; to provide for the erection and maintenance of suitable and necessary bridges, and to exercise a general supervision over all the roads in said county. The board of supervisors of said county shall annually levy along with the county levy a tax upon the property—real and personal—assessed for taxation in the county, which shall be applied to working and keeping in order the roads and public bridges as provided by law; such tax shall not be less than five nor more than twenty cents upon the one hundred dollars in value of such property, and the same shall be collected and accounted for and paid out on warrants of the board as are other county funds: provided, that said board of supervisors shall not be prevented from applying to the road fund any money not needed to defray the ordinary expenses of the county. The board of supervisors is hereby authorized to employ and work vagrants and convicted criminals confined in the public and county jail upon the public roads of the county, and to establish proper rules and regulations for the management and guarding the same. The members of the board of supervisors shall each receive for his services in inspecting and overlooking the roads in his respective district one dollar and fifty cents per day for time actually employed: provided, the total compensation does not exceed fifteen dollars for any one year to each member of said board.

2. All acts inconsistent with the above are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 253.—An ACT to provide for the maintenance and management of the State library.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That there shall be maintained at the State capital a State library, consisting of books, papers, records, portraits, and other works relating to the history of the State, science, literature, law, and general history. It shall be maintained and conducted as a library of reference.

2. The State library shall be managed by a board of directors, consisting of five members, to be appointed by the State board of education, and to be known as the Library Board, under such rules and regulations as shall be prescribed by law, but the supreme court of appeals shall have the management of the law library, and the appointment of the librarian and other employees.

3. The State board of education shall, before July first, nineteen hundred and three, appoint the Library Board. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively, from July first, nineteen hundred and three, and thereafter, upon the expiration of the term of a member, his successor shall be ap-

pointed for a term of five years. Appointments to fill other vacancies shall be for the unexpired term.

4. On July first, nineteen hundred and three, or as soon thereafter as may be practicable, the Library Board shall meet and organize by electing one of its number chairman. It shall appoint a librarian and doorkeeper and such other employees as shall be authorized by law. The term of office of the librarian and door-keeper shall be at the pleasure of the board.

The Library Board shall keep complete minutes of all its proceedings, neatly recorded in a substantial book, which shall be signed by the chairman and secretary, and a record of all receipts and disbursements, all of which shall be preserved as public records.

It shall, from time to time, acquire by gift or purchase, books, maps, portraits, and records pertaining to the history of the State and her citizens, to science, literature, and law, and shall edit, or cause to be edited, arranged, and published the State records now or hereafter deposited in the library.

It shall make rules and regulations, not inconsistent with law, for the use of the library by the people, and specifying the character of the books which may not be removed from the library, see that the library is properly and neatly kept for the reception of the public, and that its contents are properly preserved and cared for.

5. The records of the several departments of the State government, which may be considered of historical value, shall, with the consent of the head of such department, be deposited and preserved in the State library, and all such records now or hereafter so deposited shall be deemed to be in the custody of the officers, from whose possession they were transferred, who shall have free access thereto. None of said records so deposited shall be removed from the library, except by the officer entitled to the custody thereof under this section.

6. The Library Board shall annually procure such books in law, literature, science, and the arts, and such maps and charts as may seem to the board desirable.

It shall especially cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, work of art, or relic, relating to the history of Virginia, not now in the library, which can be obtained on reasonable terms, and may cause to be printed any manuscript relating to the history of Virginia, which has not been published, including such portions of the executive journals and letter-books, and of the legislative papers, as the board may deem proper to print in the calendar of State papers, and shall cause the legislative papers so to be printed to be arranged for that purpose, and preserved for reference; and shall cause the records pertaining to the revolutionary war, the war of eighteen hundred and twelve, the Mexican war, and the civil war, to be edited, arranged, and published so as to show the service of citizens of the State in such wars.

7. The Library Board shall arrange for the exchange of the Virginia publications with as many of the States and institutions as possible, with the general government, and with other governments; with

societies and others, as it sees fit, placing all exchanges received in the State library, except that all statutes and law books received shall be transferred to the law library.

It may send to any university, college, public library, or societies copies of State publications.

It shall superintend and direct all expenditures of library funds.

8. The Library Board shall annually make a report to the governor of all receipts and expenditures, and of the condition of the library, and all other matters in relation thereto, that it may deem expedient for the information of the general assembly; and such report shall be transmitted by the governor to the general assembly.

9. The librarian shall give bond to the State in the sum of two thousand dollars, with sureties approved by the Library Board, for the faithful discharge of his duties and the delivery over to his successor of all the property of the State in his possession. The doorkeeper shall be required to give a like bond to the State in the sum of five hundred dollars. These bonds shall be recorded by the secretary of the Commonwealth, and deposited with the auditor of public accounts.

10. The librarian shall have charge of the State library, giving his personal attention and attendance to it and carrying out and enforcing the rules and regulations made therefor by the general assembly and the Library Board.

He shall be secretary of the Library Board, and shall perform all the duties belonging to that position.

He shall keep a neat and accurate record of all proceedings of the board, an itemized account of all receipts and disbursements, and an itemized memorandum of all purchases or contracts for purchases made, and of all books and documents given or received as gifts or in exchange.

11. The doorkeeper of the library shall assist the librarian in the discharge of his duties, and shall discharge such other duties as may be required of him by the board. He shall, under the direction of the secretary of the Commonwealth, attend to the care, shipment, and sales of State publications, and shall receive a salary of thirty dollars per month for all of his services as such doorkeeper.

12. All books and maps published by the State, and not otherwise disposed of by law, shall be sold and the proceeds thereof shall constitute a library fund for the support and improvement of the library and the publication of records.

Such books and maps shall be delivered to the secretary of the Commonwealth, who, after disposing of and preserving the number of copies as required by law, shall deliver to the order of the Library Board such copies as may be needed for gifts and for exchanges, and shall sell the remaining copies at such prices as may be fixed by the Library Board, with the consent of the secretary of the Commonwealth, subject to the provisions of an act approved April second, nineteen hundred and two, ratifying the contract between the joint library committee of the general assembly of Virginia, dated February twenty-first, nineteen hundred, and the Michie Company, and to provide for similar contracts with other persons.

13. The secretary of the Commonwealth shall turn over to the treasurer of the State all securities and money now or hereafter in his hands belonging to the library fund, which money and securities shall be held by the treasurer as a separate fund for the benefit of the library, to be paid out as is hereinafter directed.

14. The library fund shall be paid out by the treasurer on warrants drawn by the auditor of public accounts, such warrants to be drawn by the auditor on the order of the Library Board, signed by the chairman of the board and attested by the secretary.

15. Of the moneys and securities belonging to the library fund now in the hands of the secretary of the Commonwealth and transferred to the treasurer, the Library Board is authorized to expend a sum not exceeding the sum of four thousand dollars per annum in editing, arranging, and publishing the records pertaining to the history of the colony and State of Virginia, and to the service of citizens of the State in the wars of the revolution, of eighteen hundred and twelve, the Mexican war, and the civil war.

The treasurer shall sell said securities on the order of the board when necessary to meet the expenditure hereby authorized. Such sale may be made to the board of sinking fund commissioners.

16. The salaries of the librarian and doorkeeper shall be paid from appropriations out of the public treasury for that purpose.

17. The library shall be kept open every day in the year (except Sundays and holidays) from nine o'clock ante-meridiem until five o'clock post-meridiem, and such other hours as the library board may direct

18. The judges of the supreme court of appeals, the governor, lieutenant-governor, reporter of court of appeals, members of the general assembly, during the sessions thereof, and other State officers at the capitol, and such other persons as the Library Board may deem fit, shall be allowed to use the State library under such rules and regulations as the board shall adopt: provided, that no manuscript, or record of any kind, and no book, portrait, or relic of rare or historical value, shall be taken from the library room by any one, and no books of any kind shall be taken out of the city of Richmond, and that no book shall be kept out of the library for more than ten days.

THE LAW LIBRARY.

19. There shall be a State law library at Richmond, with branches thereof at Wytheville and Staunton, maintained as at present, which shall be managed by the supreme court of appeals. The said court shall appoint the librarian and other employees, to hold office during the pleasure of the court.

The State law library shall consist of the books now in the law libraries at Richmond, Staunton, and Wytheville, with such additions as may be made thereto.

20. The supreme court of appeals shall, from time to time, make additions to the State law library by purchases made with funds at their disposal for that purpose, and may cause books to be transferred from one

law library to another. All law books acquired by the State by gift, or by exchange, from the United States, or other States and countries, shall be placed in said library. The secretary of the Commonwealth shall have placed in the law library at Richmond, Staunton, and Wytheville a copy of every law book which may be hereafter published for the Commonwealth.

21. The governor, lieutenant-governor, attorney-general, and other State officers at the capitol, reporter of court of appeals, members of the general assembly, during the session thereof, judges of courts, and practicing attorneys in good standing, and such other persons as the supreme court of appeals shall designate, shall have the use of the State law library under such rules and regulations as the supreme court of appeals shall make.

22. The supreme court of appeals shall have power to make and enforce such rules and orders for the regulation of the State law library, and the use thereof, as may to it seem proper, so that they be not inconsistent with the provisions of law on the subject: provided, that the library shall be kept open from nine o'clock ante-meridiem to five o'clock post-meridiem.

23. If the members of the bar practicing in any county or corporation of the Commonwealth shall procure by voluntary contribution a law library of the value of one hundred dollars, at the least, for the use of the courts held in such county or corporation, and of the bar practicing therein, it shall be the duty of the circuit court of such county or corporation to require its clerk to take charge of the library so contributed, and to keep the same according to rules to be prescribed by the bar and approved by the court.

The observance of the rules so prescribed and approved may be enforced by the circuit court by such summary process and judgment as shall be provided by such rules.

CHAP. 254.—An ACT to put into operation the provisions of the Constitution relating to the composition and organization of the State Board of Education; the election and appointment of its members; their qualification; powers and duties of the board; expenses, etc.

Approved May 15, 1903.

1. Composition of the board.—Be it enacted by the general assembly of Virginia, That the State Board of Education shall be a corporation by that name, and shall consist of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators, to be elected quadriennially by the senate from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and the Blind, and also of the College of William and Mary (so long as the State shall con-

tinue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators elected by the senate as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official.

2. Terms of the members.—The term of the three members first elected by the senate shall be four years from the first day of March, nineteen hundred and three: provided, they continue so long on the list of eligibles, and, within thirty days before the expiration of their term, every four years thereafter, the senate shall elect their successors, whose term shall be four years from the first day of March following their election. The term of the two division superintendents first selected shall be two years from the first day of March, nineteen hundred and three: provided, they hold the office of division superintendent so long, and, within thirty days before the expiration of their term, every two years thereafter, the appointing board herein provided shall select their successors, whose term shall be two years from the first day of March following their appointment.

3. Qualification.—Before entering upon their duties, all the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, shall take and subscribe the oaths prescribed by the Constitution before any officer authorized to administer oaths, and said officer shall certify the same; a minute of their qualification shall be entered in the proceedings of the board, and the oaths shall be returned as required by law as to the oaths of other State officers.

4. Vacancies in the board.—Any vacancy occurring during the term of any member of the board, except that of the governor and the attorney-general, shall be filled for the unexpired term by the board.

5. President of the board.—The superintendent of public instruction shall be ex-officio president of the board, and in his absence the members present shall elect a president pro tempore.

6. Quorum.—A majority of the members shall constitute a quorum for the transactions of business.

7. Meetings.—Meetings of the board shall be held upon the call of the president, or upon request of a majority of its members: provided, that the president shall give due notice to all the members of the time of holding the meetings. The place of meeting shall ordinarily be the office of the superintendent of public instruction.

8. Record.—A faithful record shall be kept of the proceedings of the board, which shall be signed by the president, or, in his absence, by the president pro tempore, and shall at all times be open to inspection.

9. The powers and duties of the board shall be as follows:

First. To divide the State into appropriate school divisions, in the discretion of said board, comprising not less than one county or city each; but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the senate, appoint for

each of such divisions one superintendent of schools, who shall hold office for four years. The board shall also prescribe the duties of such division superintendent, and may remove him for cause and upon notice. When a vacancy occurs during the recess of the general assembly, it shall be filled by appointment of the board for the unexpired term, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the general assembly; but it shall not be lawful when the general assembly is not in session for the said board to appoint as division superintendent any person whose nomination has been previously rejected by the senate.

Second. To prescribe the duties of the superintendent of public instruction.

Third. To approve the appointment of a first and a second clerk, and such other employees as may be necessary for the office of the superintendent of public instruction, upon the nomination of that officer, and to fix their salaries. The first clerk, who is hereby required to serve also as secretary of the board of education, may be allowed for these extra services such reasonable compensation as the board may deem just and proper.

Fourth. To adopt by-laws for its own government, and to make all needful rules and regulations for the management and conduct of the schools. Such rules and regulations, when published and distributed, shall have the force and effect of law until revised, amended, or repealed by the general assembly.

Fifth. To provide for examining teachers for the public schools of the State by the appointment of a State board of examiners, or by the adoption of such other plan as the board of education may, in its discretion, deem wise and expedient: provided, that the compensation and expenses of said board of examiners shall be fixed by the board of education and paid as other expenses of the said board are paid.

Sixth. To select text-books and educational appliances for use in the public schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

Seventh. To guard by regulation against so great a multiplication of schools in proportion to the funds provided as will tend to cause a low grade of instruction in the schools, or in any other way impair their efficiency.

Eighth. To approve the plans of the superintendent of public instruction for the organization and conduct of the summer normal schools, to audit the accounts for the expenses of such schools, and issue warrants for the payment thereof, as other warrants are issued by the said board.

Ninth. To decide appeals from decisions of the superintendent of public instruction: provided, that all the facts and arguments in each case shall be presented in writing and in such form as the board may prescribe.

Tenth. To order the sense of voters to be taken in counties or districts on all matters which may be properly so referred under the provisions of the school law whenever deemed proper by the board.

Eleventh. To invest the capital and unappropriated income of the literary fund in bonds of this State, or of the United States, or in bonds of railroad companies, secured by first mortgage, whose market value for six months preceding the investment has not been less than ninety cents on the dollar. The said board may call in any such investment, or any heretofore made, and reinvest the same as aforesaid, whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in bonds of this State, no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the second auditor for safe-keeping, who shall return with his annual report a list thereof, with a statement of their value.

Twelfth. To recover, in the manner prescribed for the recovery of money to be paid to the credit of the fund for internal improvement, any money, with interest, which ought to be paid into the public treasury to the credit of the literary fund, and to invest the same as provided in subdivision eleventh of this section.

Thirteenth. To audit all claims which are to be paid out of the literary fund, and to allow so much thereof as shall appear to be due: provided, that not more than ten years shall have elapsed when by law such claim might have been presented for payment. For any claims so allowed, certified by the secretary and the presiding officer of the board, the second auditor shall issue his warrant on the treasurer, signed by the second auditor and attested by one of his clerks. All money belonging to the literary fund shall also be received into the treasury on the warrant of the second auditor, who shall also be the accountant of the said fund.

Fourteenth. To approve the schemes prepared by the superintendent of public instruction for apportioning the money appropriated by the State for public free school purposes among the several counties and cities of the State.

Fifteenth. To determine the necessary contingent expenses of the office of the superintendent of public instruction, including stationery, postage, printing, furniture, and other charges; to examine the accounts thereof; and, when approved, to issue warrants on the second auditor for the payment of the same, said warrants to be signed by the secretary and the presiding officer of the board.

Sixteenth. To punish division superintendents of schools for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay; by suspension from office and pay for a limited period, or by removal from office.

Seventeenth. To appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State library (except the law library), and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the general assembly shall prescribe.

Eighteenth. To observe the operations of the public free school system, to regulate such matters as may arise in the practical administration thereof, not otherwise provided for, and to suggest to the general assembly

bly any improvements deemed advisable therein, and for which the said board has no power to provide.

Nineteenth. To make a report to the general assembly at each regular session, covering the annual report of the superintendent of public instruction, giving an account of the operations of the board for the two school years immediately preceding the session of the general assembly.

Twentieth. To perform such other duties as may be prescribed by law.

10. Such reasonable expenses as the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, may incur in attending the meetings of the board, or any committee thereof, shall be paid from the funds at the command of the board by warrant on the second auditor, as other expenses of the board are paid.

CHAP. 255.—An ACT to regulate the probate of wills, the appointment of appraisers of the estates of decedents, and the appointment and qualification of personal representatives, guardians, curators, committees by the clerks of circuit courts.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That the clerk of any circuit court of any county may appoint appraisers of estates of decedents, admit wills to probate, appoint and qualify executors, administrators, guardians, curators, and committees, and require and take from them the necessary bonds in the same manner and with like effect as the said circuit court could do if in session. Such powers and duties may be exercised and discharged as well during the sessions of the circuit court as at other times.

2. Such clerk shall keep an order book in which shall be entered all orders made by him respecting the subjects aforesaid. Any person interested may, within one year after the entering of such an order, appeal therefrom as a matter of right upon giving bond as provided by law to the circuit court of the county. Upon application being made for such appeal, the said clerk shall enter forthwith in his order book an order allowing such appeal, and docket the same as a preferred cause for trial at the next term of the circuit court. The circuit court, at any term, shall hear and determine the matter as though it had been presented to the said circuit court in the first instance, and shall cause a copy of the order on the order book of the court embracing its final action to be copied by the clerk into his order book. At any time after such appeal is allowed the said circuit court, or the judge thereof in vacation, may make any such order for the protection of the parties interested, or for the protection or preservation of any property involved, as might have been made had the matter been originally presented to the court, or as may seem needful.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 256.—An ACT to amend and re-enact section 11 of an act of the general assembly of Virginia, approved February 15, 1901, entitled an act to establish a dispensary for the sale of intoxicating liquors in Jerusalem magisterial district, Southampton county, Virginia; to prohibit all persons, firms, or corporations, except manufacturers of apple and peach brandy, within said district, to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to said district.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act of the general assembly of Virginia, approved February fifteenth, nineteen hundred and one, entitled "an act to establish a dispensary for the sale of intoxicating liquors in Jerusalem magisterial district, Southampton county, Virginia, to prohibit all persons, firms, or corporations, except manufacturers of apple and peach brandy, within said district, to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said district," be amended and re-enacted so as to read as follows:

§ 11. The net profits accruing from this dispensary shall be disposed of in the following manner: One-eighth to the State of Virginia, three-eighths to the town of Courtland, three-eighths to the public schools of Jerusalem magisterial district, Southampton county, Virginia, and one-eighth to the public schools in the town of Courtland, Virginia. Such distribution shall be made at least once each year.

2. This act shall be in force from its passage.

CHAP. 257.—An ACT to authorize the trustees of Petsworth school district, in Gloucester county, to borrow money and to issue bonds therefor.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That the Petsworth district school board of Gloucester county be, and is hereby, authorized and empowered to borrow, upon the faith and credit of said Petsworth district, a sum not exceeding one thousand dollars, and to issue bonds for the same, bearing interest at a rate not exceeding six per centum per annum, payable annually, or semi-annually; the money so borrowed to be used for the purpose of building a school-house in said district, and to equip the same with necessary furniture and appliances, and the said bonds to be issued in such amounts, and payable at such time or times, and upon such terms and conditions as said board may see fit to contract for and impose.

2. The board of supervisors of said county of Gloucester, at the request of said district school board, shall embrace in the annual district levy for said Petsworth district a sum sufficient to pay the annual interest on said bonds, and to provide a sinking fund, which shall be held and applied by said district board to the payment of the principal of said bonds.

3. This act shall be in force from its passage.

CHAP. 258.—An ACT prescribing the liability of common carriers, railroads, or transportation companies for any loss, damage, or injury to property caused by its negligence, or the negligence of any other common carrier, railroad, or transportation company to which such property may be delivered, or over whose lines such property may pass.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever any property is received by a common carrier to be transferred from one place to another, within or without this State, or when a railroad or other transportation company issues its receipt or bills of lading in this State, the common carrier, railroad or transportation company issuing such bill of lading shall be liable for any loss or damage or injury to such property caused by its negligence or the negligence of any common carrier, railroad or transportation company operating within any territory or State of the United States to which such property may be delivered, or over whose lines such property may pass; and the fact of loss or damage in such case shall itself be prima facie evidence of negligence, and the common carrier, railroad or transportation company issuing any such receipt or bill of lading shall be entitled to recover in a proper action the amount of any loss, damage, or injury it may be required to pay to the owner of such property from the common carrier, railroad or transportation company aforesaid through whose negligence the loss, damage or injury may be sustained. No contract, receipt, rule, or regulation shall exempt any such common carrier, railroad or transportation company from the liability of a common carrier which would exist had no contract been made or entered into.

The receipt of goods destined to a point beyond the line or route of the initial carrier or the acceptance of through freight on same, shall be deemed to be a contract for carriage to ultimate destination and delivery of such property at that point. And unless the common carrier, railroad or transportation company first receiving such property shall, within a reasonable time after loss or damage thereto, pay to the consignor, his agent, or assignee the amount of damage sustained thereby, then such consignor, his agent, or assignee may by proper action recover of such common carrier, railroad or transportation company first receiving such property the amount of such loss or damage.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from and after July first, nineteen hundred and three.

CHAP. 259.—An ACT to amend and re-enact chapter 73, Code of 1887, relating to general provisions as to colleges and academies and other institutions, of the Miller Manual Labor School and the Medical College of Virginia, as amended and re-enacted by an act entitled “an act requiring educational institutions receiving State appropriations to make annual reports to the board of education,” approved January 12, 1888, and an act entitled “an act to provide for the expenses of the boards of visitors of the institutions of learning,” approved March 4, 1892.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-three, Code of eighteen hundred and eighty-seven, relating to general provisions as to colleges and academies and other institutions, of the Miller Manual Labor School and the Medical College of Virginia, as amended and re-enacted by an act entitled “an act requiring educational institutions receiving State appropriations to make annual report to the board of education,” approved January twelfth, eighteen hundred and eighty-eight, and an act entitled “an act to provide for the expenses of the boards of visitors of the institutions of learning,” approved March fourth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1637. That it shall be the duty of the president or chairman of the board of visitors or trustees of every State institution which is educational in its character to cause to be made out by the superintendent, president, principal, or other proper officer of such institution, and forwarded to the office of the superintendent of public instruction on or before the first day of October of each year a report for the year ending the thirtieth of June preceding. Said report shall set forth the condition and progress of said institutions; the number of professors, assistant teachers, and other officers, and the compensation of each; the whole number of students in attendance; the courses of instruction, academic, professional, or technical; the means and methods of instruction; the number of students in the different classes; the terms of tuition; the number of students admitted free of charge for tuition; the kind and amount of all funds and endowments yielding an income; the annual income from all sources, and the items thereof; the amount of expenditures, and the items thereof; and such other information as may be deemed necessary to a full exhibit of the affairs and conditions of said institutions. Said reports shall be embodied in the annual report of the superintendent of public instruction to the board of education, to be by the president of said board laid before the general assembly of Virginia. All acts and parts of acts requiring reports of said institutions to be made otherwise than as specified in this act are hereby repealed.

§ 1637a. That the boards of visitors of the University of Virginia, Virginia Military Institute, Virginia Agricultural and Mechanical College, State Female Normal School, Virginia Normal and Collegiate Institute, and William and Mary College Normal Male School shall receive their actual expenses (itemized) incurred in the discharge of their duties in attending the meetings of said boards.

§ 1638. Penalty, if report not made.—If no such report is made from any college or academy which receives any portion of the revenue of the

literary fund, or to which any loan has been made out of the said fund, the second auditor shall withhold (until the report is made) the payment of such portion of the literary fund, or proceed to enforce payment of the said loan.

§ 1639. Payment of interest on bonds of State held by colleges, and so forth.—The second auditor is authorized and directed to draw upon the public treasury in favor of the proper authorities of any incorporated college, institution, or seminary of learning, or manual labor school, in this State, for all interest which has accrued, or may hereafter accrue, and as the same may fall due, upon all obligations of the Commonwealth, or of the James River and Kanawha Company, guaranteed by the Commonwealth, held by or for such college, institution, or seminary of learning, or manual labor school, or to which they were entitled, on the first day of January, eighteen hundred and eighty-two, so long as they may continue to hold the same: provided, that no interest shall be paid upon any bonds, the payment of which is forbidden by the Constitution.

§ 1640. Exchange of coupon for registered bonds.—The proper authorities of any incorporated college, institution, or seminary of learning, or of any manual labor school, in this State, may exchange any consol coupon bonds issued under the act of the general assembly, approved March thirteenth, eighteen hundred and seventy-one, held by or on behalf of such college, institution, seminary, or school, for funded registered consol bonds of the same class under said act. Any college, institution, seminary, or school, making such exchange shall have the same rights and privileges as to funded registered consol bonds so taken as they have under the preceding section.

§ 1641. Cancellation of coupon bonds.—All consol coupon bonds, with the coupons attached, so surrendered in exchange shall be cancelled by the treasurer of the State, in the presence of the commissioners of the sinking fund, at the time such exchange is made, and be carefully preserved in his office. The second auditor and the treasurer shall preserve lists of the consol coupon bonds and coupons so surrendered.

§ 1642. Scholarships.—The board of visitors of the University of Virginia, the trustees of Washington and Lee University, the board of visitors of the Virginia Military Institute, and the corporate authorities of all colleges in the State, may establish scholarships in their respective institutions, under such regulations as they may prescribe.

§ 1643. Investment of funds therefor.—Whenever any person shall deposit in the treasury of the State, or bequeath money to be so deposited, or devise or bequeath property to be sold and the proceeds to be so deposited, for the benefit of any such institution, to such an amount that the interest thereof will be sufficient to educate and maintain thereat one or more cadets or students, the said fund shall be invested in State bonds, in the name and for the benefit of said institution.

§ 1644. Donations irrevocable; right of nomination by donor.—Such donation shall be irrevocable, but the donor, or his heirs, or their guardian, if they be under twenty-one years of age, shall have the right to nominate and place in such institution one or more cadets or students, according to the regulations aforesaid.

§ 1645. Provision, if donor fail to nominate.—If such donor, or his heirs, or such guardian, shall fail for one year to nominate as aforesaid, the said board of visitors, trustees, or corporate authorities may appropriate the income of the said fund to the education and maintenance of indigent cadets or students, to be selected by them from the State at large.

§ 1646. Scholarships by alumni.—The society of alumni of any institution aforesaid may provide for and maintain a scholarship therein, by annual contributions, under such regulations as may be prescribed as aforesaid.

§ 1647. Who prohibited from making contracts with State institutions, and so forth.—No person who is a member of any board of visitors of any State institution, or an employee or agent thereof, or a trustee of any public trust or fund, or a salaried officer of any such State institution, or of any such public trust or fund, shall contract, or be interested in any contract, with such institution, or with the governing authority of such public trust or fund in any manner or form, for furnishing supplies, or for performing any work for said institution, or for said governing authority of said trust or fund. Any person violating the provisions of this section shall be fined not exceeding five hundred dollars.

§ 1648. Register of State property.—The chief officer of every State institution shall keep a book in which he shall cause to be registered all the property of the State at such institution, with a correct description thereof, for the information of the board of directors or visitors, and others interested. Any officer failing to comply with this section shall forfeit fifty dollars.

§ 1649. Miller Manual Labor School continued.—The Miller Manual Labor School of Albemarle shall be continued, and the members of the board of education, and their successors in office, and the second auditor, and his successors in office, shall be, and remain, a corporation by the name of "the Miller Manual Labor School of Albemarle."

§ 1650. Certain statutes affecting it continued in force.—The second, third, and fifth clauses of section one, and the second section of the act entitled "an act to give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the twenty-fifth clause of said will," approved February twenty-fourth, eighteen hundred and seventy-four; the act approved February nineteenth, eighteen hundred and eighty-four, amending and re-enacting the fourth clause of the second section of the act approved April second, eighteen hundred and seventy-seven, relating to the Miller Manual Labor School of Albemarle; and the act to authorize the board of the said Miller Manual Labor School to convert coupon bonds into registered bonds, approved August twenty-third, eighteen hundred and eighty-four, shall severally continue in force.

§ 1651. Medical College of Virginia continued.—The Medical College of Virginia shall be continued, and the visitors thereof, and their successors, shall be, and remain, a corporation under the name and style of "The Medical College of Virginia"; and all acts passed in respect thereto,

which are in force on the day before this Code takes effect, shall continue in force, subject to modification, alteration, or repeal, at the pleasure of the general assembly.

CHAP. 260.—An ACT to require the State Corporation Commission to fix and prescribe storage, demurrage, and car service charges which may be collected by railroad and other transportation companies on freight transported, or to be transported by them, and to be paid by them on freight delayed and cars not promptly furnished or placed by them, with rules and regulations governing same.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That from and after the passage of this act power is hereby conferred on the State Corporation Commission of the State of Virginia, and it is required to fix and prescribe a schedule of rates for storage of freight in depots and for demurrage or car service on freight in carload lots, to be charged by railroad and other transportation companies doing business in this State, and to fix the time after the reception of freight at destination at which such charges of storage, demurrage, or car service shall begin, with power to vary the same according to the value and character of the freight stored, the nature of the place of destination, the residence of the consignee, and such other facts as, in its judgment, should be considered in fixing the same.

2. That the State Corporation Commission shall fix and prescribe a schedule of detention charges to be paid by railroad and other transportation companies to the consignee in case of delay in the delivery of freight in carloads or less at destination, or where shipments are held an unreasonable length of time at the station or siding at which they originate, or at any intermediate point, and for carrying freights, express packages, and all other effects by and beyond the place of final destination without authority from the consignee; and the commission shall also fix and prescribe rules and regulations covering the placing of empty cars and a schedule of detention charges to be paid by railroad companies to consignors when cars are not placed for loading in accordance with said rules and regulations after application has been made therefor, when said charges shall, when paid, be in full of any and all claims for damages growing out of such failure: provided, however, that the owner of the freight may, at his election, waive said charges and elect to claim such actual damage as he may have sustained instead of such charges.

3. This act shall be in force from its passage.

CHAP. 261.—An ACT to amend and reenact sections 242, 243, 244, 245, 246, 250, 252, and 267 of the Code of Virginia, relative to the duties of the secretary of the Commonwealth.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That sections two hundred and forty-two, two hundred and forty-three, two hundred and forty-four, two hundred and forty-five, two hundred and forty-six,

two hundred and fifty, two hundred and fifty-two, and two hundred and sixty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 242. Oath of secretary.—The secretary of the Commonwealth, before he acts as such, shall, in addition to the other oaths prescribed by law, take an oath to keep secret such matters as he may be required by the governor to conceal.

§ 243. To administer oaths and take acknowledgments.—He shall have authority to administer any oath and take and certify any acknowledgment that a justice is authorized to administer or take.

§ 244. To be keeper of State seals; his general duties.—He shall be keeper of the seals of the Commonwealth; keep a record of all executive acts, arrange and preserve all records and papers belonging to the executive department; be charged with the clerical duties of that department, and render to the governor, in the dispatch of executive business, such services as he may require. He shall record or register all papers or documents required by law to be registered or recorded in his office, and when required furnish a copy of any record in his office, under the seal of the Commonwealth.

He is authorized to authenticate records of any court of the State and of any department of the government, and he is directed, when any such record is to be used beyond the limits of this State, to authenticate the same in the manner and give the certificate required by the laws of the jurisdiction in which such record is to be used, as far as is practicable.

He shall keep a register of all city, county, and district officers, and when required give a certificate of the election and qualification of any such officer.

He shall make an annual report to the governor, embracing (a) a list of all charters of incorporation recorded, and all trade marks, labels, and so forth, and proprietary containers registered: provided, that the first list of charters of incorporation made shall embrace all such charters heretofore recorded; (b) the boards of visitors of all public institutions, and other boards appointed by the governor; (c) all commissions issued under appointments made by the governor; (d) accounts of all fees and taxes collected, funds received from sales of State publications, receipts and disbursements for contingent expenses of his office; (e) and such other matters as the governor may require. Said reports shall be transmitted by the governor to the general assembly, printed as other such annual reports are printed, bound in a separate volume and disposed of according to law.

§ 245. When absent, chief clerk to act.—During the necessary absence of the secretary of the Commonwealth from his office his duties shall be performed by his chief clerk, but when such absence is for more than one day at a time, notice thereof shall be given to the governor.

§ 246. Secretary to have charge of supreme court reports and furnish copies to judges and others.—He shall be charged with the custody, disposal, and sale of the published reports of the decisions of the supreme court of appeals; shall make exchanges of the same for the publications of other States and countries, and place the law books acquired by such

exchange in the State law library. One copy of each volume of said reports hereafter published shall be furnished to each of the following persons, namely: to the judges and the reporter of the supreme court of appeals, to the judges of the circuit and corporation courts, including the judges of the chancery court and law and equity court of the city of Richmond, and the judge of the court of law and chancery of the city of Norfolk, to the attorney-general (to be kept in his office), to the clerk of each of the circuit courts of the United States held in this State, for the use of said courts and the members of the bar practicing therein. Eight copies of each volume of said reports hereafter published shall be furnished to each university and college in the State in which a law school is established.

§ 250. Donations to universities, and so forth, having law schools.—The secretary of the Commonwealth shall furnish the universities and any incorporated college of the State in which a law school is established, and which has not heretofore been furnished out of any surplus copies on hand, with one copy of the journal of the senate and house of delegates, and journal of the constitutional convention, of the acts of assembly, and of the Codes; and every incorporated college and academy in the State with a copy of the maps.

§ 252. Sale of State publications.—All books, maps, and documents published by the State and not otherwise disposed of by law shall be turned over to the secretary of the Commonwealth and sold by him for the benefit of the State library fund at prices to be fixed by the State library board, with the consent of the secretary of the Commonwealth, subject to the provisions of an act approved April second, nineteen hundred and two, ratifying the contract between the joint library committee of the general assembly of Virginia, dated February twenty-first, nineteen hundred, and the Michie Company, and to provide for similar contracts with other persons.

Such sales may be made through book dealers, and a reasonable commission allowed them on such sales, and when such books, maps, and documents are placed in the hands of such dealers, the secretary of the Commonwealth shall require of such dealers bond, with good security, payable to the Commonwealth and conditioned to secure the payment of the price of said publications or the return thereof to the secretary of the Commonwealth on demand. The secretary of the Commonwealth is authorized to make exchanges of such publications, the publications secured by such exchanges to be placed in the State library or the State law library. All costs and expenses attending said sales and exchanges shall be paid by said secretary out of the proceeds of such sales. The said secretary shall keep and preserve at least twenty-five copies of each of said publications.

§ 267. The secretary to furnish the Code and acts of general assembly to county and corporation officers.—Whenever the secretary of the Commonwealth shall be satisfied that any justice or other county or corporation officer entitled by law to receive the sessions acts or the Code is destitute of the same or any of them, and cannot otherwise procure them, he shall, on application of the county or corporation court, furnish the same:

provided, he does not thereby diminish the supply of the work so issued in his custody below twenty-five copies.

2. All laws in conflict with this act are hereby repealed.
3. This act shall be in force and effect from its passage.

CHAP. 262.—An ACT to provide for the issuance of \$30,000 bonds by the city of Newport News for the payment of damage to property in the construction of the Twenty-eighth-street bridge.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That in addition to the present indebtedness of the city of Newport News, and the certificates of debt or bonds which the council of said city is authorized by law to issue, the common council of said city may, by a three-fourths vote of all its members, in the name and for the use of said city, cause to be issued certificates of debt or bonds (the form of which shall be prescribed by the council) in the sum of thirty thousand dollars, which said bonds shall not be payable in money by the said city, nor shall they bear interest, but shall be received by the treasurer of said city in payment of taxes, at the rate of six thousand dollars yearly, until the whole issue shall be redeemed by the payment of taxes therewith, and shall be issued in series of six thousand dollars each, maturing one, two, three, four, and five years after date.

The bonds so authorized to be issued by the said council shall not be sold by said city, but shall be delivered to the persons who, at the time of the letting of the contract for the erection of the bridge in Twenty-eighth street, in said city, owned property abutting on said approaches thereto, in payment of any damages sustained by the then owners of said property by reason of the erection and construction of said bridge, in such proportion as the council may determine, according to the damages done to each person's property.

But such certificate of debt or bonds shall not be issued, or be valid, unless and until the question of issuing the same shall have been first submitted to the legal voters of said city for their approval, at an election to be ordered and provided for by the council, and three-fifths of said legal voters voting at said election, who shall then own any freehold estate in real estate in said city; and two-thirds of said legal voters of said city voting at said election, who shall then not own any freehold estate in real estate in said city, shall have voted in favor of the issue of said certificates of debt or bonds; if the question of the issuing of said certificates of debt or bonds shall not be authorized at the election so held, then no such certificates of debt or bonds shall be issued. Said election shall be by viva voce vote, and only those who are legal voters of the said city under the laws of Virginia shall have the right to vote. The words "freehold estate," as used in this section, shall be construed to embrace only a full ownership in fee simple at law or in equity, or an estate for life. The council shall cause to be prepared, at least sixty days prior to any elec-

tion hereunder, a list of the legal voters in said city owning such freehold estate, and shall cause the same to be published in a newspaper published in the said city, for once a week for four weeks prior to any such election. The council shall, at least ten days before any such election convene in session, and at such session revise and correct such list, if there be errors therein. Such list, when so revised and corrected, shall be conclusive on any question as to who constitute the legal voters in said city owning a freehold estate and entitled to vote at such election.

The said election shall not be held until notice of the time, place, and objects thereof shall have been first given by publication for at least thirty days in a daily newspaper published in the said city.

And the said council shall not create or incur any other indebtedness which has not been provided for in the annual levy of the said city, or by some other act of the general assembly of Virginia.

2. Nothing in this act shall be construed as creating or incurring any liability upon the city on account of damages done to property by reason of the erection and construction of said bridge.

3. This act shall be in force from its passage.

CHAP. 263.—An ACT to amend and re-enact an act entitled an act to provide for opening, building, and keeping in repair the public roads and bridges in Caroline county.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Caroline county shall have original jurisdiction to establish, alter, discontinue, and build all public roads and bridges in said county, and for this purpose shall have all the powers now vested in the county court, and the same proceedings shall be had therein as required in said court, and all laws applicable in said court shall apply to said board: provided, that any one feeling himself aggrieved by an order of said board establishing, discontinuing, or altering any road or bridge may appeal to the county court or circuit court of Caroline county in the same manner that appeals are now allowed from the decisions of the said board.

2. The said board of supervisors subject to the provisions of this act shall take charge of and have kept in repair all public roads and bridges heretofore and hereinafter established in said county, and for this purpose it shall be lawful for said board to hire or buy such teams, tools, or implements as may be necessary for such work out of funds belonging to said county and appropriate to the proper working of the same, the building of bridges, and payment of hires so much of the county levy as they may deem expedient. Said board is further empowered and authorized to levy annually a district road tax of not more than twenty-five cents on the one hundred dollars' valuation of all taxable property, and, in their discretion, to require all persons who may use wagons, carts, or other vehicles in said county to provide such wagons, carts, or other vehicle with tires of such width as said board may prescribe, upon such conditions as said board may prescribe, and may prescribe such penalty for the failure

of any person to comply with the said requirement or order as said board may deem best.

3. The board of supervisors of the county shall, as soon as practicable after the passage of this act, and not later than the first day of April, hereafter proceed to lay off and divide (if not already done) all the public roads of the county into sections of one or more miles in length, according as their location and the difficulties of keeping in proper repair may, in their judgment, suggest.

4. Immediately upon the completion of this work of dividing the roads into sections, they shall meet at the courthouse and proceed to appoint one road commissioner for each precinct of the several townships. The commissioners so appointed shall constitute the township board of road commissioners for their respective townships.

5. The commissioner of roads shall be an experienced road builder. He shall be a resident and voter of the district from which appointed, and subject to removal at the pleasure of the board of supervisors; shall hold office for the term of one year from date of his appointment. He shall, prior to entering upon the discharge of the duties of his office, take before the county clerk of Caroline the usual oath of office, and enter into and acknowledge before such clerk a bond, with surety to be approved by the board of supervisors, and payable to said board, with condition for the faithful performance of his duty, and any recovery thereupon shall be for the benefit of his road district.

6. The said board of road commissioners shall annually, in the month of May, or as soon thereafter as practicable, let to contract to the lowest suitable bidder the work of building and keeping in repair the roads and bridges in their respective districts; notices of all public letting shall be posted at each voting precinct and postoffice in the district, and otherwise published, as said board may deem advisable. The lettings of said roads may be for one or more sections, and shall be for the term of one year. All bids shall be in writing and signed by the party, and delivered under seal to the said board of road commissioners for their examination, subject to the approval or rejection of the board of supervisors at their meeting for that purpose.

7. Each contractor shall be required to give bond, with good security, in a penalty of at least double the amount of his bid, for the faithful performance of his contract, which bond shall be subject to the approval of the board of supervisors, and filed with the clerk of the board of supervisors, and the condition and width in which each section of road is to be kept is to be incorporated in each bond and contract, and a recovery may be had for the breach of said contract, in the name of the county for the benefit of the road fund in the county court, by motion, after ten days' notice to the contractor and his security or securities.

8. The board of road commissioners shall have the right at any time, with the consent of the board of supervisors, to let privately any road section, to reject any bid or revoke any contract and relet the same, or to contract for the working of the road machine in any part of this district; and no member of the board of road commissioners shall be directly

or indirectly interested in any contract made under this act, and any participation shall render the contract null and void.

9. The member of the board of supervisors for the district shall be ex-officio chairman of such board. Each road commissioner shall be required to give his personal supervision to all the roads and bridges within their respective precincts; to see that the contractor is faithfully performing his contract, and for any failure in carrying it out shall at once, through the prosecuting attorney, institute proceedings for the recovery of damages for breach of said contract. It shall be his duty to go over the roads of his precinct every month, to cause the roads in his precinct to be cleared free from obstructions and encroachments and secure from the falling of dead timber thirty feet wide, unless otherwise ordered by the board of supervisors, and in no case less than sixteen feet; and where practicable to raise the bed of the road in the middle and slope it gradually each way to the sides, where ditches sufficient to carry off the water shall be made and kept open, and, if necessary, boxed; he shall report in person or through the chairman of said road board to the board of supervisors, at each meeting of said board, an account of all work that has been done by him previous to the said report and not before reported by him, and also what expenses have been incurred and what money expended in the maintenance of the roads and bridges and the polling of hills in his district, and make report thereof to the said board; and also state what amount of money may be needed by him for any necessary work to be done. The said board of supervisors may, if, in their opinion, the said work should be done, and the amount required be expended as reported by him, provide the said amount out of the county levy, and pay any amounts that may be due for the work so done by him; all bills, however, to be approved by the board of supervisors and said road commissioner as hereinbefore provided.

10. In case the commissioners in any precinct are unable to let to contract any section, sections, or any of the roads in their respective districts, the commissioner in that district shall appoint some person or persons to put in repair such places as need putting in order, either at lowest bidder or by hire of labor, and an itemized account to be furnished for said work, and endorsed by the commissioner, shall be presented to the next meeting of the board of supervisors.

11. The members of the board of commissioners shall receive each for their services a sum not exceeding two dollars per day for every day services actually performed on the order of the chairman of their respective road board. The commissioner of roads shall have the care and custody of all teams, gear, harness, road machinery, road implements, and tools now belonging to his road district, or that may hereafter be purchased or provided by the board of supervisors for his district, and shall be responsible to the said board of supervisors for the proper care and handling and return in good condition of the same (ordinary wear and tear excepted when such working of the road machine by him in such precinct shall have been completed). The said commissioner of roads, subject always to the board of supervisors, shall have charge of the working and building of all roads and bridges and the polling of all hills in his road

district, and to this end shall have authority to hire and employ all necessary labor and teams in the discharge of his duties. The cost and expenses of making, opening, and maintaining of roads, and repairing and building of bridges and the polling of hills, shall be allowed by the board of supervisors upon itemized accounts certified to be correct by the road commissioner of the road district in which the work is done, such certificate to be made on the back of each account. Such accounts so itemized shall be kept by the clerk, and, together with the entries of all receipts and disbursements, in the minutes of the board, which likewise shall state plainly for what given and from what received, shall be subject to the examination and inspection of any citizen or tax-payer of the county.

12. The road commissioner may take from any convenient lands so much wood, stone, gravel, or earth as may be necessary to be used in constructing or repairing such road or any bridge or causeway therein; and may, for the purpose of draining the road, cause a ditch to be cut through any lands adjoining the same: provided, such wood and other articles be not taken from, and such ditch be not cut through, any lot in a town, yard, or garden without the consent of the owner.

13. If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to freeholders, requiring them to view the said land and ascertain what is a just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation and report the same to the board of supervisors, and allowance shall be made in the next county levy. He shall have authority to forbid the public from traveling on any road, or portion of road, while the same is being built, improved or repaired and thereafter when such travel would, by weather conditions, in the opinion of the board of supervisors, greatly damage such road to require adjacent property holders to remove all trees which may fall from their land into the road; to proceed by warrant against parties ploughing up, moving, or otherwise encroaching upon or obstructing the public road; and any party so convicted shall be punished as for a misdemeanor and fined not less than five nor more than twenty-five dollars.

14. The road commissioner shall be responsible for the condition of the roads and bridges in his district and the failure to discharge his duty shall be a misdemeanor, and, on conviction thereof, upon a warrant before a justice of the peace, he shall pay a fine of not less than five dollars nor more than twenty-five dollars. The road fund of each district shall be kept separate, and shall be applied exclusively in such district: provided, that each annual district fund in the proportion that it bears to the total annual road fund of the county and districts may be drawn upon for the expenses of the county road board for the purchase of utensils for use in all of the districts, or for any expenditure, the benefits of which are shared by all the districts: and provided, further, that the road fund in any district may, in such proportion as may be fixed by the county road board, be drawn upon for its proportionate share of expenditure made jointly with an adjacent district.

16. The Commonwealth's attorney, on and after July first, nineteen hundred and four, shall be ex-officio a member of the board of supervisors of Caroline county, and shall have a vote on said board in the event of a tie. The board of supervisors are hereby authorized and empowered, with the approval of the county judge, to give to the commissioner of roads for employment all vagrants and convicted criminals confined in the county jail.

17. The general road law of the State, except so far as it is not in conflict with this act, shall be in full force in the county of Caroline, and all special road laws for the said county heretofore enacted are hereby repealed.

18. This act shall be in force from its passage.

CHAP. 264.—An ACT to amend and re-enact chapter 69, Code of 1887, in regard to the management of the Virginia Military Institute, as amended by an act entitled "an act to amend and re-enact sections 2, 3, and 14 of chapter 54 of the acts of the general assembly, extra session 1884, in relation to the appointment of a board of visitors of the Virginia Military Institute," approved May 18, 1887, and as amended by an act entitled "an act to amend and re-enact section 1582 of chapter 22 of the Code of Virginia, in relation to the government of the Virginia Military Institute," approved February 18, 1890, and to conform the same to the Constitution.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter sixty-nine, Code of eighteen hundred and eighty-seven, in regard to the management of the Virginia Military Institute, as amended by an act entitled "an act to amend and re-enact sections two, three, and fourteen of chapter fifty-four of the acts of the general assembly, extra session eighteen hundred and eighty-four, in relation to the appointment of a board of visitors of the Virginia Military Institute," approved May eighteenth, eighteen hundred and eighty-seven, and as amended by an act entitled "an act to amend and re-enact section fifteen hundred and eighty-two of chapter twenty-two of the Code of Virginia in relation to the government of the Virginia Military Institute," approved February eighteenth, eighteen hundred and ninety, and to conform the same to the Constitution, be amended and re-enacted so as to read as follows:

§ 1563. Virginia Military Institute continued.—The military school established in the county of Rockbridge, near the town of Lexington, shall be continued, and the visitors thereof and their successors shall be and remain a corporation under the style of "The Virginia Military Institute," and shall be at all times subject to the control of the general assembly. For the support of the said school there shall be paid out of the public treasury, from time to time, such sums as shall be appropriated therefor by the general assembly.

§ 1564. Appointment of visitors.—There shall be a board of visitors for the institution composed of the adjutant-general, the superintendent of public instruction, and nine other persons, three of whom shall be

selected from the division of the State in which the institution is located, and two from each of the other grand divisions of the State, who shall be appointed and commissioned by the governor, subject to confirmation by the senate. The terms of office of the nine members appointed by the governor, three whose term expires on the first of January, nineteen hundred and three, and three whose term expires on the first of January, nineteen hundred and four, are continued in office until the first of July, nineteen hundred and four. The remaining three terms of office shall expire on the first of July, nineteen hundred and four. Within six months preceding the day on which the term of office respectively of the said members of the said board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned five persons who shall hold office for two years from the first of July, nineteen hundred and four, and four who shall hold office for four years from the first of July, nineteen hundred and four, respectively; and thereafter within six months preceding the day on which the term of office, respectively, of the several members shall expire by limitation the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned persons whose term of office shall be four years from the day on which the term of their immediate predecessors expire. If a vacancy occurs in the office of a visitor at any time during his term, the governor shall fill it by appointing another as visitor for such part of the term as has not expired, subject to ratification or rejection by the senate at the next session of the general assembly. Five members of said board shall constitute a quorum for business. They shall be, and are hereby, declared to be a corporation under the title of the Virginia Military Institute, and as such may sue and be sued for any cause or matters which have heretofore arisen, as well as for any cause or matter which may hereafter arise.

§ 1565. The board shall meet at the institution, or at any other places than the institute when, in their opinion, it shall be necessary to do so. A meeting shall be held annually at such time as may have been designated for their annual meeting in their last resolution on the subject. A meeting may also be called at any time by the adjutant-general, or the superintendent of the institution, when either may deem it advisable, and the board may adjourn from time to time.

§ 1566. By-laws and regulations.—The board may make by-laws and regulations for their own government and the management of the affairs of the institute, and may, for the purpose of transacting such business as, in its opinion, can be properly transacted by a less number than the majority, authorize not less than four members to constitute a quorum.

§ 1567. Arsenal, and so forth, vested in institute.—The arsenal and all its grounds and buildings shall be considered as belonging to the institute, and the board shall cause the same and all the arms and other property therein, or belonging thereto, to be guarded and preserved.

§ 1568. Power to borrow money and secure its payment.—The act entitled "an act to authorize the Virginia Military Institute to borrow money and to secure the same by creating a lien on real estate," approved December nineteenth, eighteen hundred and seventy-four; and

the third and fourth sections of the act entitled "an act for the relief of the Virginia Military Institute," approved March fifteenth, eighteen hundred and eighty-four, shall continue in force until all the objects of said acts shall have been fully accomplished.

§ 1569. Erection and repair of buildings.—The board of visitors may expend, annually, a sum not exceeding five hundred dollars in erecting, altering, or repairing buildings, so as to have such as are suitable and proper for the military school.

§ 1570. Appointment of treasurer.—The board shall, annually, appoint a treasurer, who shall give bond, with sufficient sureties, in a penalty, to be prescribed by the board, of not less than fifteen thousand dollars, payable to the Commonwealth, with condition for the discharge of the duties of his office, which bond, being approved by the board and entered at large on its journal, shall be transmitted to the auditor of public accounts, and remain filed in his office.

§ 1571. His report; examination of his accounts.—The treasurer shall, annually, on or before the first day of October, make a detailed report of his accounts to the board of education, to be by it reported to the general assembly. The board of visitors shall cause a careful examination of his accounts, and a full settlement thereof to be made at least once a year.

§ 1572. The board of visitors shall appoint professors to give instruction in military science and in such other branches of knowledge as they may deem proper; shall fix the salaries of professors, and may remove them for good cause, but no order to remove a professor shall be made without the concurrence therein of a majority of the whole number of visitors, and the board shall forthwith communicate to the governor a full statement of the reasons on which the removal was made.

§ 1573. Officers of institute to be part of militia, and commissioned.—The officers of the Virginia Military Institute shall constitute a part of the military organization of the State, subject to orders of the governor; and the governor is authorized and directed to issue commissions to the professors, assistant professors, and other officers, according to the rank prescribed by the Virginia Military Institute. Such commissions shall confer no rank in the militia, nor entitle any person holding the same to any pay or emolument by reason thereof.

§ 1574. Admission of pay cadets.—The board of visitors shall prescribe the terms upon which cadets may be admitted, their number, the course of their instruction, the nature of their service, and the duration thereof, which shall not be less than two nor more than five years. All so admitted shall make full compensation, except such as are provided for in the following section.

§ 1575. Of State cadets.—The board shall admit as State cadets, free of charge for board and tuition, upon evidence of fair moral character, not less than fifty young men, who shall be not less than sixteen nor more than twenty-five years of age; one of whom shall be selected from each of the senatorial districts as at present constituted, and the other eleven from the State at large. Whenever a vacancy has occurred, or is likely to occur, in any district, due notice of the time and place

of making the appointment to supply the vacancy shall be given. If, after such notice, no suitable person shall apply from such district, the vacancy may be supplied from the State at large.

§ 1576. Arrangement with Washington and Lee University.—The board may enter into arrangement with the trustees of the Washington and Lee University, by which the cadets at the institute and the students at the university may respectively be admitted to the advantages of instruction provided at either place.

§ 1577. Commissioned officers of militia may become students.—Any commissioned officer of the militia of this State may become a student at the institute for a period not exceeding ten months, and receive instruction in any or all the departments of military science taught therein, without being required to pay any fee or charge for tuition.

§ 1578. Cadets to guard institute.—The cadets shall be a military corps under the command of the superintendent, and constitute the guard of the institute.

§ 1579. Superintendent to inspect arms.—The superintendent shall, from time to time, inspect the arms at the arsenal; cause the same to be kept safe and clean; give receipt for such arms as may be brought there to be deposited, and obey such orders for the delivery of arms therefrom as he may receive from the governor.

§ 1580. His annual report.—The superintendent shall, annually, by the first day of October, make a return to the adjutant-general, showing the names and number of the officers and cadets at the institute, distinguishing those between the ages of eighteen and forty-five, and showing also the public arms, ordinance, equipments, and accoutrements at the arsenal, and under the charge of the said corps.

§ 1581. How the degree of graduate is conferred.—The governor and the board of visitors and faculty of the institute may confer the degree of graduate upon any cadet found qualified to receive it, after examination upon all the branches of the arts and sciences and of literature taught at the institute.

§ 1582. State cadets to act as teachers.—Every cadet received on State account, and who shall have remained in the institute during the period of two years or more, shall act in the capacity of teacher in some school in this State for two years after leaving the institute, and such cadet shall be required to discharge said obligation as teacher within the three years immediately after leaving the institution, and said cadet shall report in writing to the superintendent of the institute on or before the first day of June of each year succeeding the date of his leaving the institution until he shall have discharged fully said obligation to the Commonwealth; and every cadet so received on State account in said institute on reporting for duty and matriculating shall be required to enter into a bond, payable to the Virginia Military Institute, in a sum sufficient to cover the board and tuition that may be expended in his behalf as such State cadet; and unless the said cadet shall fulfill his said obligation as aforesaid, he shall be deemed to have violated his contract, and authority is hereby given to the institution to proceed by law for the collection from said cadet of such amount as may be

necessary to cover so much of his board and tuition as may proportionately be due from his failure to teach the whole or any part of the said two years; and no cadet executing such bond shall be permitted to plead infancy or the statute of limitation in bar of recovery of such debt: provided, the board of visitors may excuse said cadet from teaching in such cases as they may deem right and proper: and provided, further, if said cadet shall teach two years or any part thereof in any public school of this Commonwealth for the term prescribed for any year by the legal authority of public schools he shall be deemed to have fulfilled his obligation to the State imposed by this section.

§ 1583. Annual inspection and report of visitors.—The board of visitors shall annually inspect the public arms and other property at the arsenal, and make a report of their condition, and of the condition of the school, to the governor, to be by him laid before the general assembly.

§ 1584. Musicians, how enlisted and paid.—The superintendent may enlist musicians for service on that post, to be paid out of the annual appropriation provided for in section fifteen hundred and sixty-three.

§ 1585. Supply of water.—To enable the institute to procure a supply of water, it shall have authority to proceed under the provisions of chapter forty-six, to acquire such springs, lands, and rights of way as may be necessary.

CHAP. 265.—An ACT providing for the appointment of a commission of three persons by the circuit court of Spotsylvania county, to be known as the board of public roads for Spotsylvania county, and for holding an election to take the sense of the qualified voters of said county upon the question of bonding same for an amount not exceeding \$100,000 for the purpose of permanently improving the public roads thereof.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That a commission of three persons, who shall each be freeholders of the county of Spotsylvania, and who shall be residents of said county, shall be appointed by the circuit court for Spotsylvania county, by an order entered of record in the said circuit court by the judge thereof, either in term time or in vacation, which said commission of three persons shall be known as the board of public roads for Spotsylvania county.

2. But before appointing such commission as aforesaid, an election shall be held in Spotsylvania county, under the laws of Virginia governing the holding of special elections, and the vote of the qualified voters of the county of Spotsylvania shall be taken upon the question of bonding the said county for an amount not to exceed one hundred thousand dollars for the purpose of permanently improving the public roads of the county. And if the result of such election shall be in favor of bonding the said county, the board of supervisors of the said county shall issue the bonds of the county, under the seal of the said board of supervisors, and said bonds shall be signed by the chairman of the board of supervisors of

Spotsylvania county, and by the clerk of the said board. Said bonds shall be issued of the par value of either five hundred dollars per bond or one thousand dollars per bond, and shall bear interest from date at a rate not exceeding five per centum per annum, payable semi-annually, and coupons shall be attached to the said bonds covering the interest payments provided for. The said bonds shall be payable at the option of the board of public roads which is provided for by this act, at the expiration of five years from their date, or any portion of the said bonds may be retired at the expiration of the said five years. And the bonds shall be issued to run for thirty years, if not retired at the expiration of five years, as aforesaid.

3. The board of supervisors, after executing the bond issue provided for by this act, shall, as soon as the commission, to be known as the board of public roads of Spotsylvania county, shall have been appointed by the circuit court as provided for, and the members of the said board shall have qualified by taking, before the clerk of the circuit court of Spotsylvania county, an oath according to law to faithfully perform the duties devolving upon them under this act, and by reason of their office, and by entering into and acknowledging bond in a penalty of not less than the amount of the bond issue, with good security, conditioned for the faithful discharge by them of the duties of their office, deliver to the said board of public roads the bonds duly executed as provided for in this act.

4. It shall be the duty of the board of supervisors of Spotsylvania county to lay an annual levy at such rate upon all the property and real estate taxable in Spotsylvania county as to raise an amount of money sufficient to pay the annual interest upon the bond issue aforesaid, and out of the fund created thereby they shall pay the interest coupons upon all bonds that have been sold; and any surplus remaining in hand by reason of the fact that some of the said bonds have not been sold shall be paid into the sinking fund hereinafter provided for and created. And in laying the levy to raise the fund necessary to pay the interest on the said bond issue, the said board of supervisors shall so apportion the said levy as to raise an additional sum equal to two per centum annually of the face of the said bond issue, which sum shall be paid into the sinking fund hereinafter provided for.

5. It shall be the duty of the board of public roads, as soon as they shall have been appointed and shall have qualified as aforesaid, to proceed to sell the bonds provided for by this act; and they shall endeavor to sell the said bonds to the best advantage for the county, and at the best price obtainable; and they shall not dispose of any of the said bonds without first laying the offer they propose to accept for any or all of the bonds before the judge of the circuit court of Spotsylvania county; and the said judge shall, if in his discretion he shall decide that the proposed sale will be for the best interests of the county, enter an order in his court directing the said board of public roads to make the sale of the said bonds, at the price mentioned in the said order, and the order shall show that it is entered upon the recommendation, and with the approval of a majority of the members of the said board of public roads. And the said board of public roads may sell all or any portion

of the said bond issue at any time they decide to do so, and at the best price obtainable, either at or above par: provided, the circuit court enters the order approving the sale as hereinbefore provided for. And upon the back of the said bonds shall be a blank prepared when the said bonds are prepared for use, in which blank the chairman of the board of public roads shall endorse upon each bond sold the date of the order entered by the circuit court approving the sale, and the price fixed, and shall sign the said statement as chairman of the board of public roads, and no bond shall constitute a valid claim against the county which shall not be countersigned on the back, below the endorsement aforesaid, by the chairman, or acting chairman, of the board of public roads who is performing the duties of chairman of said board at the time.

6. It shall be the duty of the board of public roads to carefully consider the roads of the county, and apportion among the various roads of the said county such proportion of the funds available from the sale of county bonds as provided for in this act, and to expend such money as may be apportioned to each road, and to each magisterial district of said county, upon the roads; and no money shall be spent by the said board except for the permanent betterment and permanent improvement of the said roads, and no bridges other than culverts shall be undertaken or built by the said board of public roads, but all county bridges shall be constructed and kept in repair by the board of supervisors of the county as heretofore, and out of the general levy as heretofore.

7. The board of public roads shall have the power to change the location of any of the roads in the said county before undertaking to permanently improve them, or may build a permanent road over a different route from that followed in whole or in part by any section of any present public road which they are charged with improving. And in event a majority of the said board decide to change the location of any section of road, the said board shall appraise the value of the land to be taken for the new location, and the amount of damage that will be caused thereby to the owner of the land, deducting from such damage the value of the benefit that will accrue to such land owner by reason of the building of a permanent and improved road upon his land (but in no case shall the benefit in such case to the land owner be estimated to be more than the amount of damage he will suffer), and shall tender such an amount of money to the land owner out of the road fund in their hands. And in no case the land owner shall decline to accept such amount of money, the board of public roads shall at once proceed to condemn the said land according to law. And it shall also be the duty of the board of public roads to arrange for and provide land for a supply of rock and other road materials for building the said roads, and their powers in this connection shall be the same as in the case of acquiring a new site for any section of road they may decide to change the location of.

8. In laying out their work for improving the roads, the board of public roads shall undertake no work which does not contemplate the

rocking, metaling, or macadamizing of the said roads, not less than nine, nor more than sixteen feet in width, and in a manner to make the improvement, with reasonable repairs from time to time, permanent, and impervious to the action of water in so far as the support given by the said roads to the wheels of vehicles in wet weather is concerned. And no road shall be metaled or macadamized on a steeper grade than four per centum, nor on a curve so sharp that a four-horse team cannot be conveniently handled with a load.

9. The said board of public roads shall be the financial agents of the county of Spotsylvania in regard to the road fund and the bonds entrusted to them; they shall have the power to make contracts in furtherance of the objects for which the said board is created, and may sue and be sued, as a body corporate; and any judgment recovered against them in any suit or action shall be first binding upon the road fund and bonds mentioned in this act, and if not then satisfied, upon Spotsylvania county. The said board may let any portion of any road, or all portions of said roads, to contract, but no general contractor shall be permitted to contract for the work as a whole (though as many contracts may be let to one party or contractor as the board may determine), in order that there may be adequate competition for doing the work upon the roads. And the said board may employ an engineer, or surveyor, and such other servants and agents as they may see fit, and may employ foremen for any part of the work which they cannot let to contract on satisfactory terms, and employ labor and provide tools and machinery for carrying on such work, or such portions of the work, as they deem advisable.

10. The said board of public roads shall have the power to lend out, upon approved real estate security, any money in their hands belonging to the road funds and which will not be needed immediately for paying the expense of the work under their charge. It shall be the duty of the board of public roads to create a sinking fund, and to pay into the sinking fund such moneys as may come to their hands from time to time from the surplus of the levy which the board of supervisors of the county is required to make to pay the interest coupons on the bonds. The sinking fund, and all interest accruing from lending out any of the money in their hands, shall remain and pass into the sinking fund. And no part of such sinking fund shall be expended for any purpose whatever except for the purchase, payment, and retirement of the bond issue provided for by this act: provided, that when the sinking fund shall amount to such sum as will, when compounded at five per centum per annum for the balance of the time the bonds have to run, equals the amount of the bond issue. No further addition shall be made to the sinking fund, but the money shall be turned into the general road fund.

11. The members of the board of public roads shall be entitled to a salary for their services, the amount of which shall not exceed two hundred dollars per annum to the chairman and one hundred dollars per annum to each of the other members of the said board, and the amount of compensation shall be fixed by an order entered by the circuit court

at the time the said members, respectively, are appointed, and the rate may not be changed without the consent of a member during his term of office. And the term of members of the said board shall be three years from the date of the original appointment, whether all of the members then appointed shall afterwards qualify or not: provided, there is any qualification under the said order; and a majority of the board shall control in all cases in which there shall arise a diversity of opinion among the members. And no vacancy in the membership of the said board shall interfere with the authority or power of the remaining members or member to act until the circuit court shall have filled the vacancies by appointment. And the circuit court shall appoint a new commission at the expiration of each period of three years from the date of the original order, and may reappoint any or all of the former members in its discretion.

12. This act shall be in force from its passage.

CHAP. 266.—An ACT to amend and re-enact chapter 74, Code of 1887, in regard to the management of the Virginia School for the Deaf and Blind, as amended by an act entitled “an act to provide for the reorganization of the Institution for the Deaf, Dumb, and Blind, and to repeal chapter 74 of the Code of Virginia, and to repeal chapter 226 of the acts of assembly, entitled ‘an act to regulate the appointment of the board of directors of the Deaf, Dumb, and Blind Institute at Staunton, Virginia,’” approved May 14, 1887, as amended by an act entitled “an act to amend and re-enact the second section of an act entitled ‘an act to provide for the reorganization of the Institution for the Deaf, Dumb, and Blind,’” and to repeal chapter 74 of the Code of Virginia, and to repeal chapter 226 of the acts of assembly, entitled “an act to regulate the appointment of the board of directors of the Deaf, Dumb, and Blind Institute at Staunton, Virginia,” approved May 14, 1887, approved March 4, 1896, and to conform the same to the Constitution.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-four, Code of eighteen hundred and eighty-seven, in regard to the management of the Virginia School for the Deaf and Blind, as amended by an act entitled an act to provide for the reorganization of the Institution for the Deaf, Dumb, and Blind, and to repeal chapter seventy-four of the Code of Virginia, and to repeal chapter two hundred and twenty-six of the acts of assembly entitled an act to regulate the appointment of the board of directors of the Deaf, Dumb, and Blind Institute at Staunton, Virginia, approved May fourteenth, eighteen hundred and eighty-seven, as amended by an act entitled an act to amend and re-enact the second section of an act entitled an act to provide for the reorganization of the Institution for the Deaf, Dumb, and Blind, and to repeal chapter seventy-four of the Code of Virginia, and to repeal chapter two hundred and twenty-six of the acts of assembly entitled an act to regulate the appointment of the board of directors of the Deaf, Dumb, and Blind Institute at Staunton, Virginia, approved May fourteenth, eighteen hundred and eighty-seven, approved March fourth, eighteen hundred and ninety-six, and to con-

form the same to the Constitution, be amended and re-enacted so as to read as follows:

§ 1652. The institution established for the education of the deaf and dumb and the blind by an act of March thirty-one, eighteen hundred and thirty-eight, shall be continued, and the visitors thereof shall be a corporation by the name of the Virginia School for the Deaf and the Blind, and be vested with all the rights and powers now vested in the corporation created by the said act, and be subject to the control of the general assembly.

§ 1653. The present board of visitors of the Virginia School for the Deaf and Blind shall hold office till the first of July, nineteen hundred and four. Within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned, three persons who shall hold office for two years from the first of July, nineteen hundred and four; and three who shall hold office for four years from the first of July, nineteen hundred and four, respectively; and thereafter, within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so to be occasioned, persons whose terms of office shall be four years from that date. The said six visitors, together with the superintendent of public instruction of the State, shall constitute the board of visitors for the government of said institution.

§ 1654. The board shall appoint one of the visitors as their president, and in case of his absence, a president pro tempore. The board shall appoint a secretary, who shall keep an accurate record of the proceedings of the board and of the executive committee of said board, should one be created by said board.

§ 1655. The board shall be charged with the erection, preservation, and repair of the buildings of the institution and the care of its property. It shall direct and do, or cause to be done, by officers, professors, agents, and employees appointed by said board of visitors all things necessary or expedient for promoting the objects of the institution, not inconsistent with law.

The board shall provide rules and regulations for the government of said institution, setting forth in said rules and regulations the duties of all the officers, professors, agents, and employees, and said rules and regulations to be posted at various places in the institution and on the premises.

§ 1656. The board shall have one annual meeting, and such intermediate meetings as they shall prescribe, the time and place of meeting to be fixed by said board. A special meeting may be called at any time by the president, or any three members of the board, notice of the time and place of such meeting being given to the other members as follows:

§ 1656a. The superintendent, professors, and all other officers of the

institution shall be elected on the ——— day of March, nineteen hundred and five, and every two years thereafter, by the board of visitors, and shall be selected with reference to fitness, sobriety, literary, and business qualifications. The board of visitors may remove at any time the superintendent, professors, and all other officers of the institution, causing to be entered upon the records of the board the order of removal, together with the cause of the removal.

§ 1657. Each fiscal year of said institution shall end on the thirtieth day of September, to which time the accounts of the institution shall be made up; and the board of visitors shall annually, before the first day of October, deliver to the second auditor a report to the general assembly of Virginia, showing the condition of the institution and its receipts and disbursement for the said year. The board shall also make reports as required by section two hundred and twenty-one of the Code of Virginia.

§ 1658. There shall be in said institution one school for the education of deaf mutes, and another school for the education of the blind. These schools must be separate and distinct. The pupils of each school shall be selected, as the board of visitors may prescribe, among such persons as are unable to pay for maintenance and support to the extent of the means of the institution, and also from other persons, residents of this State, on such terms for their maintenance and support as may be agreed upon. But hereafter there shall be no charge for the education of pupils.

§ 1659. For the support of said institution there shall be paid out of the public treasury, on the orders of the board of visitors, attested by the secretary, and countersigned by the president of the board, such sums as may, from time to time, be appropriated by the general assembly of Virginia.

CHAP. 267.—An ACT permitting the town council of the town of Emporia to levy an additional capitation tax for street purposes.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That the town council of Emporia shall, at the time when they make their levy of their capitation tax for each year, levy an additional capitation tax of one dollar per annum on every male resident over twenty-one years within the limits of said town, said tax to be used for the improvements of the streets of said town and to be collected and accounted for as all other taxes levied by said council.

2. This act shall be in force from its passage.

CHAP. 268.—An ACT to amend and re-enact chapter 71, Code of 1887, in regard to the management of the State Female Normal School, and to conform the same to the Constitution.

Approved May 16, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-one, Code of eighteen hundred and eighty-seven, in regard to the management of the State Female Normal School, and to conform the same to the Constitution, be amended and re-enacted so as to read as follows:

§ 1608. State Female Normal School continued; how vacancy in board of trustees filled.—The State Female Normal School for the training and education of white female teachers for public schools, established at Farmville, in the county of Prince Edward, shall be continued under the supervision, management, and government of the present trustees until the first day of July, nineteen hundred and four. Within six months preceding the day on which the terms of office of the trustees shall expire by limitation, as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned seven persons, who shall hold office from the first of July, nineteen hundred and four, for two years; and six persons, who shall hold office for four years from the first of July, nineteen hundred and four, and thereafter, within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation, as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancy so to be occasioned, persons whose terms of office shall be four years from that date. The said trustees shall be, and remain, a corporation under the style of the "State Female Normal School." The superintendent of public instruction shall be ex-officio a member of the board. Vacancies caused otherwise than by the expiration of the term of office shall be filled by the governor for the unexpired term by appointments, which shall be subject to ratification or rejection by the senate at the next session of the general assembly.

§ 1609. Duties of board.—The board shall, from time to time, make all needful rules and regulations for the good government and management of the school; fix the number and compensation of teachers and officers, and necessary employees of the board and school; and shall require bond, with approved security, from such of said officers or employees as, in their opinion, should be required to give the same, for the protection of the school and the funds thereof. The bonds shall be in such penalties, respectively, as the board may prescribe, payable to the State Female Normal School. They shall be acknowledged or proved before the president of the board, and when approved by the board shall be filed with the auditor of public accounts. The board shall prescribe the preliminary examination and conditions on which students shall be received and instructed in the school. They may appoint an executive committee, to perform such duties as the board may prescribe. The board shall annually transmit to the governor a full account of their proceedings, together with a report of the progress,

condition, and prospects of the school. All property held by the State Normal School, as it existed on the twenty-eighth day of January, eighteen hundred and eighty-six, shall stand vested in "the State Female Normal School"; and all the acts done by the trustees or other officers prior to the twenty-eighth day of January, eighteen hundred and eighty-six, shall have the same force and validity as if the board had been incorporated.

§ 1610. Grant of diplomas, and so forth.—The board shall have authority to grant diplomas to graduates and certificates to proficient in its course of normal studies.

§ 1611. Number of pupils each county and city may send free.—Each city and county in the State shall be entitled to one pupil, and one for each additional representative in the house of delegates above one, who shall receive gratuitous instruction. The board shall prescribe rules for the selection of such pupils and for their examination, and shall require each pupil selected to give satisfactory evidence of an intention to teach in the public schools of the State for at least two years after leaving the said school.

§ 1612. Annual appropriation.—For the support of said school there shall be paid out of the public treasury, from time to time, such sums as shall be appropriated therefor by the general assembly, to pay incidental expenses, the salaries of officers and teachers, and to maintain the efficiency of the school: provided, however, that the Commonwealth shall not in any instance be responsible for any debt contracted or expenditure made by the institution, in excess of the appropriation herein made.

CHAP. 269.—An ACT to amend and re-enact chapter 44 of the Code of Virginia (1887) in relation to cities and towns, and to repeal sections 1039 and 1040 of the Code of Virginia, and section 1043 of the Code of Virginia as amended and re-enacted by an act approved March 4, 1896, and as attempted to be repealed by an act approved March 7, 1900, and to repeal an act approved March 7, 1900, entitled "an act to provide for local assessments in cities and towns."

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter forty-four of the Code of Virginia (eighteen hundred and eighty-seven) be amended and re-enacted so as to read as follows:

§ 1013a. Definitions of the words "incorporated communities," "cities," and "towns."—As used in this chapter the words "incorporated communities" shall be construed only to relate to cities and towns; all incorporated communities having within defined boundaries a population of five thousand or more shall be known as cities, and all incorporated communities having within defined boundaries a population of less than five thousand shall be known as towns; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants, having a city charter at the time this act takes effect, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

§ 1013b. Enumeration of the population of towns in which it is claimed there are five thousand or more inhabitants, with a view of providing when they shall be incorporated as cities, in accordance with the Constitution, and providing when such incorporated communities shall be known as cities.

(1) Any town in the State claiming to have a population of five thousand or more, and wishing to be incorporated as a city, may, through its mayor and council, apply to the circuit court of the county in which it is situated, or to the judge thereof, in vacation, to have a legal enumeration of its population. When said application is made it shall be the duty of said court, or the judge thereof, in vacation, forthwith to divide such town into four districts, with well-defined boundaries, numbered one, two, three, and four, and to appoint for each of said districts two enumerators, one of whom shall be a resident of the county in which said town is situated, outside of said town, and recommended by the board of supervisors of said county, and the other a resident of said town, and recommended by the council thereof. In the absence of recommendations the judge must proceed to make the aforesaid appointments. Before entering on their duties such appointees shall take an oath before some notary public or other officer qualified to administer oaths under the laws of this State for the faithful discharge of their duties.

(2) The said enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the said judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment. If they shall disagree as to whether a person or persons shall be enumerated they shall report their disagreement to the said court or the judge thereof, in vacation, who shall take evidence and determine whether the said person or persons are actual bona fide inhabitants of said town. If he finds affirmatively, he shall add their names to said list; but if he finds otherwise, he shall direct the name of such person or persons to be omitted therefrom.

(3) The said court, or the judge thereof, in vacation, shall cause to be tabulated and consolidated said lists, showing the whole number of inhabitants in said town, and enter the result thereof in the record of his court, the costs of which shall be the same as is paid for similar work in other proceedings.

(4) The said judge shall allow each enumerator three dollars per day for each day actually employed by him in making said enumeration. He shall certify the allowance to the enumerators and costs to the council of said town for payment out of the town treasury, and the same shall be a legal charge upon said town.

(5) If it shall appear to the satisfaction of the court, or the judge thereof, in vacation, from such enumeration that such incorporated community has a population of five thousand or more, such court or judge shall thereupon enter an order declaring that fact to exist, and thereafter such incorporated community shall be known as a city, and entitled to all the privileges and immunities, and subject to all the re-

sponsibilities and obligations pertaining to cities of this Commonwealth. and the court or judge, as the case may be, shall further prescribe in said order the number of members of which the council of said city shall consist, and in any case where there is more than one branch shall prescribe the number of members of each branch, a copy of which order shall be certified by the court or judge to the secretary of the Commonwealth, by whom it shall be certified to all proper officers of the State.

§ 1014. Survey and plan of cities and towns to be made and recorded; effect of plan as evidence.—The council of every city and town shall (unless it has already been done) cause to be made a survey and plan of such city or town, showing distinctly each lot, public street, and alley therein, the size and number of the lots, and the width of the streets and alleys, with such explanations or remarks as they may deem proper. The said plan, when approved by the council, shall be entered in some one of their books, and afterwards recorded, in the case of a city, in the clerk's office of the corporation or hustings court of such city, and in case of a town, in the clerk's office of the county in which said town or the greater part thereof is, and when so recorded shall remain in said office. Said plan shall be *prima facie* evidence of the boundaries of the said lots, streets, and alleys.

§ 1015. Wards of cities; how changed; map of wards to be recorded, and description, et cetera, published.—The wards of the several cities shall be as now established; except that the council of any city, in addition to the powers conferred upon them by section one hundred and fourteen, shall have power, from time to time, to alter boundaries and the names or numbers of the wards of said city, or any of them, and rearrange, increase, or diminish the number thereof, as they may deem proper, subject, however, to the provisions of sections ten hundred and fifteen (b) and ten hundred and fifteen (c) of this chapter. When any such change is made, the council shall cause a map or diagram to be made of the wards as changed, showing distinctly the boundaries and name or number of each, and lodge the same with the clerk of the corporation or hustings court of the city, who shall record the same in his office and furnish an attested copy thereof to the keeper of the rolls. The council shall, moreover, as soon as the change has been made, cause a description of the boundaries and the names or numbers of the wards, as changed, to be published for ten days in some newspaper of general circulation published in the said city: provided, that no such change shall be made within thirty days next preceding any general election in said city. The council of any such city shall, in making any such change, so provide that each ward shall contain as nearly as may be an equal number of inhabitants, and for the transfer of all registered voters to their proper precincts and wards, without re-registration by them on account of such change.

§ 1015a. There shall be in every city a council. In cities of ten thousand or more population it shall consist of two branches, having a different number of members, one of which shall be called the "common council," and be composed of not less than fourteen nor more than

forty members, and the other shall be called the "board of aldermen," and be composed of not less than eight nor more than twenty-two members. In cities of under ten thousand population the council shall consist of only one branch, which shall be called its common council, and be composed of not less than eight nor more than forty members. The members of the council of each city, and of each branch thereof, when the council consists of two branches, shall be residents of their respective wards and qualified voters therein, and shall be elected by the qualified voters of such wards, and, so far as practicable, each ward in every city shall have equal representation in the council, and in each branch thereof, where it consists of two branches, in proportion to the population of such ward. The members of every council, and of each branch thereof, when it consists of two branches, shall be elected for a term of four years; but upon the first assembling under this act of every council, and of each branch thereof, where there are two, the members of each branch thereof shall be divided into two equal classes, to be determined by lot, and the term of the members of the first class shall be two years, and that of the members of the second class shall be four years, and thereafter the terms of all the members of each class shall be four years, so that one-half of each branch shall be elected every two years: provided, however, that in cases where the total membership of a branch is uneven, provision may be made in such division into classes for the assignment of the odd number to one of such classes: and provided, that all elections to fill vacancies in any council shall be for the unexpired term: and provided, further, that nothing in this section in conflict with the charter of any city, whose council now consists of two branches, shall affect the charter of said city, except in so far as the same is affected by the Constitution. In those cities where the council is already composed of two branches, it shall be the duty of said council to provide by ordinance the number of members which each branch shall have, so that the same shall not be more than the maximum or less than the minimum number provided for in this section, and to apportion the same among the wards of said city, and in any city having a population of ten thousand or more, where the council now consists of only one branch, it shall be the duty of said council to provide by ordinance for the number of members of each branch, and to apportion the same among the wards of said city.

§ 1015b. Council to reapportion representation among wards, when obligatory upon council to change boundaries of wards.—The council in every city shall, in the year nineteen hundred and three and every tenth year thereafter, and also whenever the boundaries of such wards are changed, shall by ordinance prescribe the number of members of its branch and reapportion the representation of the council among the wards, but so as to give, as far as practicable, to each ward of such city equal representation in the council thereof, or in either branch of said council, in proportion to the population of each ward. In determining such population, the council shall be governed by the last United States census, or such other enumeration as may be authorized by the general assembly: provided, however, that whenever, by the

last United States census, or other enumeration made by authority of the general assembly, it shall appear that the population in any ward exceeds that of any other ward by as much as three thousand inhabitants, or whenever the corporate limits of the city shall be extended or contracted, it shall be the duty of the city council to redistrict the city into wards, or so change the boundaries of existing wards, or so increase or diminish the number of wards as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. In case of such other enumeration as may be authorized by the general assembly, unless otherwise authorized by law, the enumerators shall be named by the judge of the corporation court of such city, if there be such court; and if not, by the judge of the circuit court thereof, or in case of a town by the judge of the circuit court of the county in which such town is located.

§ 1015c. Mandamus to lie in case of failure of council to reapportion representation or change boundaries of wards as prescribed in the preceding section.—Whenever the council of any city shall fail to perform the duty of reapportioning the representation among the wards of such city, or shall fail to change the boundaries of wards, as prescribed in the preceding section, a mandamus shall lie in favor of any citizen of any such city to compel the performance of such duty.

§ 1015d. Members of city councils to be ineligible during tenure of office, and for one year thereafter, to any office to be filled by the council of which they may be members.—No member of any council shall be eligible, during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council—by election or by appointment.

§ 1015e. Vacancy; how filled.—When any vacancy shall occur in the council of a city having one branch, or in either branch of the council of any city having two branches, by death, resignation, removal from the ward, failure to qualify, or from any other cause, the council, or the branch, as the case may be, in which such vacancy occurs, shall elect a qualified person to supply the vacancy for the unexpired term.

§ 1015f. Presiding officers of city councils; their duties.—The council of a city having one branch, and each branch of the council of a city having two branches, shall elect one of its members to act as president, who shall preside at its meetings and continue in office two years, unless elected to fill a vacancy, when the election shall be for the unexpired term. The council, or each branch, as the case may be, shall also elect one of its members to be a vice-president, who shall preside at such meetings in the absence of the president, and who, when the president shall be absent from the city or unable to perform the duties of his office by reason of sickness or other cause, shall perform any and all duties required of or entrusted to such president under any provision of this chapter. When, for any cause, both the president and the vice-president shall be absent from any meeting, a president pro tempore shall be elected by the council or by that branch in which such absence may occur, who shall preside during the absence of the president and vice-president. The president, vice-president, or president pro

tempore, who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president of the council, or of either branch, or the vice-president, when authorized as above stated to act for the president, shall have power at any time to call a meeting of the council, or of his branch of the council, as the case may be; and, in case of absence, sickness, disability, or refusal to act of both the president and the vice-president of the council, or branch of the council, it may be convened by the order in writing of any three members of said council or branch.

§ 1015*g*. Rules and officers of councils; investigations by councils and by boards of fire and police commissioners.—The council, or each branch, as the case may be, shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by a vote of two-thirds of its members, to expel a member for malfeasance or misfeasance in office. The council, or each branch, shall keep a journal of its proceedings, and its meetings shall be open, except when by a recorded vote of two-thirds of those present the council shall declare that the public welfare requires secrecy. The council, or either branch of the council, or any of its committees, when authorized by the said council or branch, the board of police commissioners, and the board of fire commissioners, if there be such boards, may each, in any investigation held by them, respectively, within their respective powers and duties, order the attendance of any person as a witness, and the production of any person or all proper books and papers. Any person refusing or failing to attend or to produce such books and papers may be summoned by such investigating body before the police justice, or in case there is no police justice, before the mayor, or other officer having the powers of a justice of the peace of the city, and upon failure to give a satisfactory excuse, may be fined by him not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days; such person to have the right of appeal, as in case of misdemeanor, to the hustings or corporation court of said city. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation.

§ 1015*h*. Rules as to quorum and the passage of certain ordinances.—A majority of the members of the council, or of either branch, shall constitute a quorum for the transaction of business. No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money shall be passed by the two branches on the same day, neither shall the branch in which any such ordinance or resolution is proposed, whether the council be composed of one or of two branches, pass the same on the day of its introduction, nor shall

any such ordinance or resolution be valid unless at least three days intervene between its passage by the said branches, respectively.

§ 1016. Election or appointment of charter officers of cities.—The officers of all cities, whose election or appointment is not otherwise provided for herein or under the general statutes of the State or charters of the several cities, shall be elected or appointed by the councils of the several cities: provided, that where provisions are made in the charter of any city for the office of register, or chamberlain, or assessor, no such officers shall be elected, but the duties heretofore devolving on such register, or chamberlain, shall be performed by the city treasurer, and the duties heretofore devolving on such assessors shall be performed by the commissioner of revenue: and provided, further, that wherever the council consists of more than one branch, the election or appointment by the city council shall be made by the two branches in joint meeting. The president of the board of aldermen shall preside at such joint meeting, and each member of the two branches shall be entitled to one vote in all such elections or appointments, as well as in all other joint meetings of the two branches of the council.

§ 1017. Duties, pay, and liabilities of clerks of courts, and attorneys for Commonwealth, of cities.—The clerk of the corporation or hustings court of a city, and the clerk of the circuit and chancery courts, or any other courts thereof, and the attorney for the Commonwealth of a city, shall perform like duties, receive the same fees, and be subject to the same liabilities as the clerks of the circuit courts, and attorneys for the Commonwealth, of counties; and the said officers, and each of them, shall, in addition, perform such other duties, receive such compensation therefor, and be subject to such liabilities in respect thereto as may be prescribed in the charter of the city, or by law, or lawfully imposed by its council.

§ 1017a. Powers and duties of the police force of the cities and towns of the Commonwealth of Virginia.—(1) The officers and privates constituting the police force of the cities and towns of the Commonwealth of Virginia shall be, and they are hereby, invested with all the power and authority which now belong to the office of constable at common law in taking cognizance of, and in enforcing the criminal laws of the said Commonwealth, and the ordinances and regulations of the city or town, respectively, for which they are appointed or elected; and it shall be the duty of each and every one of such policemen to use his best endeavors to prevent the commission, within the said city or town, of offenses against the laws of said Commonwealth and against the ordinances and regulations of said city or town; to observe and enforce all such laws, ordinances, and regulations; to detect and arrest offenders against the same; to preserve the good order of the said city or town, and to secure the inhabitants thereof from violence and the property therein from injury.

(2) Such policeman shall have no power or authority in civil matters, but he shall in all other cases execute such warrant or summons as may be placed in his hands by any justice of the peace for said city or town, and shall make due return thereof.

(3) Such policeman shall not receive any fee or other compensation

out of the treasury of the Commonwealth or the city or town for any service rendered under the provisions of this act other than the salary paid him by the city or town; nor shall he receive a fee as a witness in any case arising under the criminal laws of the said Commonwealth, or under the ordinances or regulations of the said city or town. If, however, it shall become necessary or expedient for him to travel beyond the limits of said city or town in his capacity as a policeman or as a witness, he shall be entitled to his actual expenses, to be allowed and paid as is now provided by law for other expenses in criminal cases.

(4) Nothing contained in this act shall be construed as prohibiting a policeman from claiming and receiving any reward which may be offered for the arrest and detention of any offender against the criminal laws of this or any other Commonwealth or nation.

§ 1018. Of city sergeant.—The sergeant of a city shall perform the duties, receive the compensation, and be subject to the liabilities prescribed in the charter of his city or by law, and shall also, within the jurisdiction of the court of his city, exercise the same powers, perform the same duties, and be subject to the same liabilities touching all process issued by the court of such city, or by the clerk of such court, or otherwise lawfully directed to him, that the sheriff of a county exercises, performs, and is subject to in his county.

§ 1019. Allowances to sergeant by city court.—There shall be chargeable to each city such sum as the court thereof may allow to the sergeant attending it for services rendered to the said city: provided, that no such allowance shall be made under this section for services rendered by the said officer in criminal prosecutions on behalf of the Commonwealth; but the judge of the hustings or corporation court of any city may, with the consent of the city council, make allowance to the sergeant of said city for services in criminal cases, payable out of the city treasury.

§ 1020. Accepting or holding certain offices vacates office of justice. If any justice accept or hold the office of clerk of a court, sheriff, sergeant, coroner, or constable, or deputy of either, or any other office incompatible with that of justice, such acceptance or holding shall vacate the office of justice.

§ 1021. Election of mayor and councilmen of towns.—In every town there shall be elected every two years, on the second Tuesday in June, one elector of the said town, who shall be denominated the mayor, and six other electors, who shall be denominated the councilmen of said town. The mayor and councilmen shall constitute the council of said town.

§ 1022. Appointment of registrars and judges of election.—The electoral board of the county within which such town or the greater part thereof, is situated, shall, not less than fifteen days before any town election therein, appoint one registrar and three judges of election, who shall also act as commissioners of election. The said registrar shall, before any election in said town, register all voters who are residents of such town, and who shall have previously registered as voters in the county, or either of them, in which said town is situated, and none others. The said registrar shall be governed, as to his qualifica-

tion and powers, and in the performance of his duties, by the general laws of this Commonwealth, so far as the same may be applicable.

§ 1023. Opening of polls, et cetera, to conform to general law.—Such list of registered voters shall be placed by the registrar in the hands of the judges of election, who shall, at the time and in the manner prescribed by law, open a poll at the place designated by the proper officer; and the manner of receiving the ballots and canvassing the vote shall conform to the general law.

§ 1024. Who may vote.—The electors of a town shall be actual residents thereof and qualified to vote for members of the general assembly.

§ 1025. Returns of elections.—The election shall close at sunset of the day thereof, and the judges shall count the ballots and make duplicate returns of the result. One of said returns, with the ballot sealed up, shall be returned to the clerk's office of the court of the county; the other shall be returned to the council and recorded in the record book of said council.

§ 1026. Only one voting place; notice of election; how given.—There shall be but one voting place in each town, which shall be fixed by ordinance, or, if there be no such ordinance, then by the judges of election. Of the time and place of such election five days' notice shall be given by the sheriff to the electors of the town, by causing written or printed notices to be posted at three or more public places within the corporation, and in such other mode as he may deem best.

§ 1027. Penalty on sheriff.—If any sheriff fail to perform any duty required of him by the preceding section, he shall forfeit to the town one hundred dollars. Any proceeding to enforce such forfeiture, shall be commenced within one year after the same was incurred.

§ 1028. When town officers to qualify.—The persons so elected shall enter upon the duties of their office on the first day of September next succeeding their election, and shall continue in office until their successors are qualified.

§ 1028a. Extending the terms of the various officials of the several incorporated towns of the Commonwealth, in order to conform to the Constitution.—(1) For the purpose of conforming to the Constitution of this Commonwealth, the terms of all officers elected by the qualified voters of each incorporated town in this Commonwealth, and of their successors, now in office, which would terminate prior to the first day of September, nineteen hundred and three, except for the provision of this section, are hereby continued and extended until September the first, nineteen hundred and three, and thereafter until the successors of any such officers shall have been elected and have qualified: provided, that the terms of office of all of the officers elected by the qualified voters of such incorporated town, and of their successors now in office, which, but for the provision of this section, would expire after September the first, nineteen hundred and three, and before September the first, nineteen hundred and four, are hereby continued and extended until September the first, nineteen hundred and four, and thereafter until their successors shall have been elected and have qualified: provided, that in any town where the term for which the officers of said

town has already terminated, and when said officers at the time of the passage of this act are continuing in office until their successors are elected and qualified, the term of said officers is extended until the first day of September next succeeding the time designated in the charter for the regular election of officers for any such town, and their successors shall be elected on the second Tuesday in June of such year.

(2) Any vacancy that may occur in any such office, the term of which is continued and extended by this section, occurring during such continuation or extension, shall be filled in the manner now prescribed by law for filling such vacancies.

(3) The successors to any such officials now in office shall be elected on the second Tuesday in June, immediately prior to the termination of the terms of office of such officials, and every two years thereafter, and their terms of office shall begin on the first day of September next succeeding their election, and shall continue two years.

(4) All other officials of any town in this Commonwealth, whose terms of office would expire on other dates, are hereby continued in office, as provided in subsection one of this section, and thereafter until their successors have been appointed and have qualified; and any vacancies occurring in any such appointive offices during the time of such continuation or extension shall be filled in the manner now prescribed by law.

(5) Each and every official, whose term of office is hereby extended, shall possess all of the rights, powers, and privileges, and be subject to all of the liabilities during such continuation or extension in office as at present provided by law.

§ 1029. Oath of councilmen; oaths of mayor.—Every person elected a councilman of a town shall take an oath faithfully to execute the duties of his office to the best of his judgment. The person elected mayor shall take the oaths prescribed by law for all State officers.

§ 1030. Council of town to judge of returns of members; may punish or expel members; when and where new election to be held; how vacancies filled.—The council of a town shall judge of the election, qualification, and returns of its members; may fine them for disorderly behavior, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified or be expelled, a new election to fill the vacancy shall be held at the same place, on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which any of the said persons have been elected may be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor may be filled by the council from the electors of said town.

§ 1031. Suspension and removal of other town officers.—The council shall have power to suspend and remove all other town officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense.

§ 1032. How far jurisdiction of corporate authorities extends.—The jurisdiction of the corporate authorities of each town or city, in criminal matters, and for imposing and collecting a license tax on all shows, performances, and exhibitions, shall extend one mile beyond the corporate limits of such town or city.

§ 1032a. Clerk of courts of cities.—In each city which has a court, in whose office deeds are admitted to record, there shall be elected for a term of eight years, by the qualified voters of such city, a clerk of said court, who shall perform such other duties as may be required by law. There shall be elected, in like manner and for a like term, all such additional clerks of courts for cities as may be authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

§ 1032b. Commonwealth's attorneys for cities.—In every city, so long as it has a corporation court or a separate circuit court, there shall be elected, for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

§ 1032c. City and town officers to be chosen by electors when not otherwise provided.—All city and town officers, whose election or appointment is not otherwise provided for, shall be elected by the electors of such city or town, or of some division thereof.

§ 1033. Mayors of cities; how chosen; their duties; appeals from their decisions; how removed for malfeasance, et cetera.—In every city there shall be elected by the qualified voters thereof a mayor for a term of four years, who shall be the chief executive officer of such city, and shall take care that the by-laws and ordinances thereof are fully executed. The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed, or the member of the police or fire department so suspended, unless the charter of the city provides for an appeal to the board of police commissioners, or to the board of fire commissioners, shall have an appeal of right to the corporation court; or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, in term time or in vacation, whose de-

cision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws. The corporation court of a city may remove the mayor of said city from office for malfeasance, misfeasance, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings against a mayor for the purpose of removing him from office shall be by order of or motion before said court, upon reasonable notice to the party affected thereby, and with the right to said party of an appeal to the supreme court of appeals.

§ 1033a. Mayors and councilmen of towns to have powers and authority of justices; appeals from their decisions.—The mayors of towns and the other members of the councils shall each be clothed with all the powers and authority of a justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and one mile beyond same; and shall have power to issue process, hear and determine all prosecutions, cases, and controversies which may arise under the by-laws and ordinances of the town; impose fines and inflict punishments when and wherever they are authorized by the said by-laws and ordinances, and issue executions for the collection of said fines; and appeals may be taken to the court of the county from their decisions in both civil and criminal matters in the same manner, and upon the same terms, and be tried in the same way as appeals from the decision of a justice are taken and tried in like cases, except that no appeal shall be granted from the decision of the mayor or the member of the council trying same imposing a fine for the violation of any of the ordinances or by-laws of said town for offenses not made criminal by the common law or the statutes of Virginia until and after bond be given by the person so fined, with security approved by the officer imposing the same or the mayor, conditioned to pay all fines, costs, and damages that may be awarded by the said court on appeal; the penalty of said bond to be double the sum sufficient to pay all such fines, costs, and damages. Should the decision of the officer rendering the same be affirmed, in whole or in part, the said court shall enter judgment against the said principal and surety for the amount so affirmed, with costs, before the officer trying the same, and the costs of the appeal and execution shall be issued thereon in the name of the town against both principal and surety.

§ 1033b. Mayors, councils, and other elective officers of cities; when elected; when their terms begin, et cetera.—The mayors and councils of cities shall be elected on the second Tuesday in June, immediately preceding the expiration of the terms of office of their predecessors, and their terms of office shall begin the first day of September succeeding; all other elective officers of cities provided by this chapter, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of city courts shall begin coincidentally with those of the judges of their said courts. The terms of members of the city council now in office shall be continued until September the first, nineteen hundred and

four, and all elections to fill such offices thereafter shall be held in pursuance of section ten hundred and fifteen (a) of this act.

§ 1033c. Veto power of mayor of a city; when ordinance may become operative, notwithstanding his objections; vote to be entered on journal; no ordinance, et cetera, appropriating over one hundred dollars in money or authorizing the borrowing of money to be passed, except by recorded affirmative vote of a majority of all members.—Every ordinance, or resolution having the effect of an ordinance, passed by the council of a city, shall, before it becomes operative, be presented to the mayor of such city. If he approve he shall sign it, but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objection at length on its journal and proceed to reconsider it. If, after such consideration, two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution, it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative, notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objection in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative, notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor of a city shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof, where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof, where there are two, to pass the same over

such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes, or authorizing the borrowing of money.

§ 1033*d*. Streets, et cetera, of cities and towns not to be used for certain purposes, without previous consent of corporate authorities.—No street railway, gas, water, steam or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town, without the previous consent of the corporate authorities of such city or town.

§ 1033*e*. Restrictions on the granting of franchises and selling of public property by cities and towns.—The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold, except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof, where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof, where there are two, had in the manner heretofore provided for in this chapter, to pass the same over the veto. No franchise, lease, or right of any kind to use any such public property, or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as is provided by the following section, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as repealing any additional restriction now required in any existing municipal charter, in relation to the powers of cities and towns in granting franchises or in selling or leasing any of their property.

§ 1033f. Regulating the grant of franchise, et cetera, by cities and towns, and providing for the advertisement thereof and the public reception of bids therefor, and providing for the enforcement of the obligations of the grantees, grantors, or owners of franchises, and providing penalties for the usurpation of or violation of the terms and provisions of franchises.—(1) Before granting any franchise, privilege, lease, or right of kind to use any public property, or easement of any description, except in the case of and for a trunk railway, it shall be the duty of the city or town proposing to make the grant to advertise the ordinance proposing to make the grant, after its terms shall have been approved by the mayor, once a week for four successive weeks in a newspaper published in said city or town; or, if no newspaper be published therein, then in some newspaper having general circulation therein; and the ordinance may be also advertised as many times in such other newspaper or newspapers, published in or out of the city or State, as the council or board of trustees, as the case may be, may select and determine upon.

(2) Such advertisement shall invite bids for the franchise, privilege, or right proposed to be granted in the ordinance, which bids are to be delivered upon a day and hour named in the advertisement to the presiding officer of the council or board of trustees of the city or town; or, if there be more than one branch thereof, to the presiding officer of the most numerous branch of the city council, in open session. The costs of the advertising herein required shall be paid by the city or town; which, however, shall be reimbursed by the person or corporation to whom the grant is finally made. The city or town shall have the right to reject any and all bids, and shall reserve this right in the advertisement hereinbefore required: provided, however, that the franchise or right advertised shall be awarded to the highest responsible bidder, unless in the opinion of the majority elected to the council, and to each branch thereof, if there be two branches, the public interests will be better served by awarding the same to some other bidder, or by rejecting all bids and advertising anew, and in either such case the reasons therefor shall be spread upon the record or journal.

(3) The presiding officer aforesaid shall read aloud, or cause to be read aloud, the bids that have been received for public information, and shall then inquire if any further bids are offered. If further bids are offered they shall be received until no further bid is offered; but if not, the presiding officer shall declare the bidding closed, and the bids that have been received shall be communicated in due course to the other branch of the city council, if there be another branch. After reference to committee and such other investigation as the council, or either branch of the council sees fit to make, it shall be the duty of the council, if it sees fit to make the grant, to accept the highest and best bid, and to enact the ordinance as advertised, without substantial variation, except as to the insertion of the name of the accepted bidder: provided, that the council may, by a recorded vote of a majority of the members elected to the council, and to each branch thereof, if it be a council having two branches, reject a higher and accept a lower bid, and award the said franchise, right, or privilege to the lower bidder,

if, in its opinion, some reason affecting the interest of the city or town makes it advisable so to do, which reason shall be itself expressed in the body of the subsequent ordinance granting the franchise, right, or privilege; but if, after such advertisements, no bid, or no satisfactory bid, shall be made, the council may advertise for further bids, and in case no bid at all is made, the council may, if it sees fit so to do, enact an ordinance in the manner required by law granting such franchises, rights, or privileges to any person or corporation making application therefor: provided further, however, that the person or corporation to whom any such franchise, right, or privilege is awarded, whether by competing bids or otherwise, as hereinbefore provided, shall first execute a bond, with good and sufficient security, in favor of the city or town, in such sum as said city or town shall determine, conditioned upon the constructing and putting into operation and maintaining the plant or plants provided for in the franchise, right, or privilege granted.

(4) The subsequent ordinance actually making the grant, with a detailed list giving names, amounts, and addresses of all bidders, shall be presented to the mayor for his information and for his approval or disapproval, as in the case of all other ordinances.

(5) No amendment or extension of any such franchise, right, or privilege that now exists, or that may hereafter be authorized, which extends or enlarges such franchise, right, or privilege, either as to the time during which it is to last or as to the territory in which it is to be enjoyed, shall be granted by any city or town until the provisions of this act shall have been complied with; and no amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance granting the franchise, or that authorizes an increase in the charges to be made by such grantee or assignee, for the use by the public of the benefits of such franchise, shall be granted unless and until notice of such proposed amendment shall be given to the public by advertising the proposed amendment for ten days in some newspaper published in the city or town; or, if there be no newspaper published therein, then in some newspaper having circulation therein. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

(6) The corporation courts of the cities and the circuit courts of the counties in which the towns may be situated shall have jurisdiction by mandamus, according to the provisions of section one hundred and forty-four of the Code of Virginia, to enforce compliance by said cities or towns and by all grantees of franchises, whether now in force or granted under the provisions of this act, with all the terms and contracts and obligations of either party, as contained in franchises. Services of process in such mandamus proceeding may be made upon any agent or employee of such grantees residing in said city or town, or otherwise, as provided by law for service of process on a defendant: provided, however, that such jurisdiction in mandamus shall not preclude any party from bringing any other suit or action which such party would be entitled to bring without the passage of this act, at law or in equity.

(7) Any person or corporation that shall undertake to occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property, or any public easement of any description in any city or town, in a manner not permitted to the general public, without having first legally obtained the consent thereto of the city council or board of trustees, as the case may be, or a franchise therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, each day's continuance thereof to be a separate offense, and such occupancy shall be deemed a nuisance, and the court or justice trying the case shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offenses to jail until such order of the court shall be obeyed.

§ 1033*g*. Regulating the issuing of bonds and other interest bearing obligations by cities and towns.—No city or town shall issue any bonds or other interest bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters, existing at time of the adoption of the Constitution, which went into effect July tenth, nineteen hundred and two, authorize a larger percentage of indebtedness than is authorized by this section: and provided, further, that in determining the limitation of the power of a city or town to incur indebtedness, there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year: provided, that such certificates, bonds, or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year.

(b) Bonds authorized by an ordinance enacted in accordance with section one hundred and twenty-three of the Constitution, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water, or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

§ 1033*h*. Assessment of property for municipal taxation to be the same as that for State taxation.—In cities and towns the assessment of real estate and personal property, for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of State taxation, whenever there shall be a State assessment of such property.

§ 1034. Sergeants of cities and towns; their powers and duties.—In every city there shall be elected by the qualified voters thereof one city sergeant, for a term of four years, whose duties shall be as are now or may hereafter be prescribed by law. Sergeants of towns shall have the same powers and discharge the same duties as constables within the corporate limits of said towns, and to the distance of one mile beyond the same.

§ 1035. Proceedings of councils of towns; levy of taxes; who to preside at meetings.—The council of a town may adopt rules for the regulation of their proceedings, but no tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, which vote shall be taken by yeas and nays, and recorded on the journal. The mayor shall preside over the said council, and when he is absent they may appoint a president pro tempore. A journal shall be kept of their proceedings, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they are read.

§ 1036. Section eight hundred and twenty-three to apply to towns.—Section eight hundred and twenty-three shall apply to towns in like manner as if the words "or town" were inserted immediately after the word "city" wherever that word occurs in said section.

§ 1037. How council of a town may be convened.—The council of a town may be convened at any time upon the call in writing of the mayor, or any three members thereof.

§ 1038. General and enumerated powers of councils of cities and towns.—In addition to the powers conferred by other general statutes, the council of every city and town shall have power to lay off streets, walks, or alleys; alter, improve, and light the same, and have them kept in good order; to lay off public grounds and provide all buildings proper for the city or town; to provide a prison house and workhouse, and employ managers, physicians, nurses, and servants for the same, prescribe regulations for their government and discipline, and for the persons therein; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gunpowder or other combustibles, and provide magazines for the same; to provide in or near the city or town water works and places for the interment of the dead; to prevent the pollution of the water and injuries to the water works, for which purpose their jurisdiction shall extend to five miles above the same; to make regulations concerning the building of houses in the city or town; to make

regulations for the purpose of guarding against danger from accidents by fire, and, on the petition of the owners of not less than two-thirds of the ground included in any square, to prohibit the erection in such square of any building, or an addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition erected contrary to such prohibition; to provide for the weighing or measuring of hay, coal, or any other articles for sale, and regulate the transportation thereof through the streets; protect the property of the city or town and its inhabitants, and preserve peace and good order therein. The council of any city or town may, in their discretion, authorize or require the fire department thereof to render aid in cases of fire occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered. For carrying into effect these and their other powers, they may make ordinances and by-laws, and prescribe fines or other punishment for violation thereof, keep a city or town guard, appoint a collector of its taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with sureties, in such penalty as to the council may seem fit, payable to the city or town by its corporate name, and with condition for the faithful discharge of the said duties. Cities and towns of this Commonwealth are hereby authorized to make appropriations of public funds, of personal property, or of any real estate to any charitable institution or association, located within their respective limits: provided, such institution or association is not controlled in whole or in part by any church or sectarian society. But nothing in this section shall be construed to prohibit any city from making contracts with any sectarian institution for the care of indigent sick or injured persons.

§ 1038a. To exempt those engaged in the publication of newspapers from being required to obtain a license for the privilege or right of printing or publishing the same in the cities, towns, and counties in this State.—The councils of any incorporated city or town, or board of supervisors of any county in this State, shall not require a license to be obtained for the privilege or right of printing or publishing any newspaper in said cities, towns, or counties. But this act shall in no manner be construed so as to exempt those so engaged in the publication of newspapers from the payment of tax upon the plant, machinery, capital, or other property so used in such business, or upon the income derived therefrom.

§ 1038b. To authorize the city councils of cities to adopt reasonable ordinances to prevent improper interference with scholars attending or boarding at any female school situated in cities.—The city council of any city, or the town council of any town, may adopt any reasonable ordinance necessary to prevent any improper interference with or annoyance of the scholars attending or boarding at any female schools situated in such city or town.

§ 1038c. To authorize and empower the corporate authorities of the incorporated cities and towns of this Commonwealth to contract

with any sewerage or water purification company, et cetera.—The corporate authorities of any incorporated city or town of this Commonwealth shall have power and authority to contract with any sewerage or water purification company to introduce, build, maintain, and operate a system or systems of sewerage and water purifications, or of sewers, pipes, and conduits suitable, necessary, and proper for the purification of the water supply or for the sewerage of any such city or town; and shall have power also to require the owners or occupiers of the real estate within the corporate limits of any such city or town which may front or abut on the line of any such sewers, pipes, or conduits as aforesaid to make such connections with and to use such sewers, pipes, and conduits under such ordinances and regulations as the corporate authorities of any such city or town may deem necessary to secure the proper sewerage thereof and to improve and secure good sanitary conditions, and shall have power also to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected for the use of any such city or town as other fines and penalties under their respective charters.

The corporate authorities of any incorporated city or town of this Commonwealth contracting with any company for the objects and purposes aforesaid shall have power and authority to provide in any such contract for the charges and fees to be paid by the owners or occupiers of the properties within the corporate limits of any such city or town to any such company for connecting with, tapping, or using any such sewer, pipes, or conduits introduced in any such city or town as aforesaid; and shall have power also to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected for the use of any such city or town as other fines and penalties under the provisions of their respective charters; and shall have power also to do all other acts and things that may be necessary to establish, enforce, and maintain under any such contract a complete system of water and sewerage purification and sewerage for any such city or town.

§ 1040a. Taxation of shares of stock issued by banks located in counties and cities.—(1) Hereafter each county or city in which any bank, either national or State, is so located may, subject to the conditions mentioned below, tax all the shares of stock issued by any such bank so located within its limits at the same rate as is assessed upon other moneyed capital in the hands of individuals residing in such county or city.

(2) That in so taxing said shares the said county or city authorities, respectively, shall follow the mode of assessment and manner of collection prescribed by statute for the collection of State taxes upon said shares.

(3) Whenever any commissioner of the revenue, before closing his assessment rolls or tax lists, shall receive from the cashier of a bank furnishing a list of the holders of bank stock, as required by law for

the purposes of State taxation, or from the owner of any stock mentioned therein, a certificate of the commissioner of the revenue of the county or city of the State in which the owner of such stock lives, stating that certain shares of the stock mentioned in said list are owned by a resident of that county or city, and that the same have been returned for taxation for that year in such city or county, then the said commissioner of the revenue, to whom the said list of the holders of such bank stock has been furnished, shall deduct from the aggregate value of the shares set forth in said list the aggregate value of the shares mentioned in said certificate. The shares owned by non-residents of this State shall be taxed only at the place where the bank issuing the shares is located.

§ 1040b. Taxation of shares of stock issued by banks located in towns.—Each town in which any bank, either national or State, is located may tax all the shares of stock issued by such bank so located within its limits at the same rate as is assessed upon other moneyed capital in the hands of individuals.

In taxing said shares the said town authorities shall follow the mode of assessment and manner of collection prescribed by statute for the collection of State taxes upon said shares.

§ 1041. Penalty for non-payment of levies.—It shall not be lawful for the authorities of any city or town to impose or receive, in any case, a higher rate of penalty for the non-payment of levies than is prescribed in the cases of persons delinquent in payment of State taxes.

§ 1041a. Providing for local assessments to pay for certain public improvements in cities and towns.—No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Such improvement may be ordered by the council, and the cost thereof apportioned in pursuance of an agreement between the city or town and the abutting land owners, but in the absence of such agreement no improvement, the cost of which is to be defrayed in part by such local tax or assessment, shall be ordered, except on a petition from not less than three-fourths of the land owners to be affected thereby, or by a two-thirds vote of all the members elected to the council; but, when no petition is filed, notice shall first be given to the abutting land owners not less than ten days in advance, notifying them when and where they may appear before the council or the committee thereof, to whom the matter may be referred, to be heard for or against such improvement; but no such notice shall be necessary when the owner is a non-resident or is not sui juris. When the council consists of two branches, any committee acting under this or subsequent provisions of this section shall be composed of not less than three members from the larger and two members from the smaller branch, the majority in any case being appointed from the larger branch. The cost of such improve-

ment, when the same shall have been ascertained, shall be apportioned by the council or under its direction between the city or town and the abutting land owners: provided, that except when it is otherwise agreed, the portion assessed against the abutting land owners shall not exceed one-third of the total cost. The amount assessed against each land owner, or for which he is liable by agreement, shall be reported forthwith to the collector of taxes, who shall enter the same as provided for other taxes. When the apportionment is not fixed by agreement, notice thereof, and of the amount assessed against him, shall be given each of the then abutting owners, and he shall be cited thereby to appear before the council, or the committee thereof having the matter in charge, not less than fifteen days after the service of such notice, at a time and place to be designated therein, to show cause, if any he can, against such assessment. Notice to an infant or insane person may be served on his guardian or committee, and notice to a non-resident of the State may be mailed to him at his place of residence or served on his agent, if he have one within the State, or if he have no such agent, on the tenant of the freehold. Any land owner wishing to make objections may appear in person or by counsel, and, if the matter has been referred to a committee, shall be entitled, if he require it, to a hearing before the council. If his objections are overruled, he shall have an appeal as of right to the corporation or hustings court of the city, or in case of a town, to the circuit court of the county in which such town is situated. When an appeal is taken the clerk of the council shall immediately deliver to the clerk of the court, which has cognizance of the appeal, the original notice relating to said assessment, with the judgment of the council or committee endorsed thereon, and the clerk shall docket the same. Every such appeal shall be tried by the court, or the judge thereof, in a summary way, without pleadings in writing and without a jury, in term time or in vacation, after reasonable notice to the adverse party, and the hearing shall be *de novo*.

The amount assessed against each land owner or fixed by agreement with him shall be a lien on his abutting land from the time when the council assesses or fixes the amount thereof, subject, however, to his right of appeal and objection as aforesaid, and may be enforced by suit in equity: and, provided, that as against a purchaser for value and without notice, such assessment or tax shall not be a lien except and until it shall have been reported to the collector of taxes as above provided.

§ 1042. Licenses.—In addition to the State tax on any license, the council of a city or town may, when anything for which a license is so required is to be done within the city or town, impose a tax for the privilege of doing the same, and require a license to be obtained therefor; and in any case in which they see fit, require from the person licensed bond, with sureties, in such penalty and with such condition as they may deem proper, or make other regulations concerning the same. They may also impose a tax and require a license to be ob-

tained for the privilege of keeping in the city or town for hire any wheeled carriage.

§ 1042a. To prohibit the several cities and towns of the Commonwealth from imposing and collecting any tax, fine, or other penalty upon persons selling their own farm and domestic product, grown or produced by them within the limits of any such town or city outside of and not within the regular market houses and sheds of such towns and cities.—It shall be unlawful for any city or town of this State, or any agent or officer of any such city or town, to impose or collect any tax, fine, or other penalty upon any person selling their farm and domestic products, grown or produced by them within the limits of any such town or city, outside of and not within the regular market houses and sheds of such cities and towns.

§ 1043a. To authorize cities and incorporated towns to establish and maintain free public libraries and reading rooms.—(1) The council of each incorporated city and town shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city or town, and may levy a tax not to exceed one mill on the dollar annually on all taxable property in the city or town, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the library fund.

(2) When any city or town council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city or town shall, with the approval of the council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office, and not more than one member of the council shall be at any one time a member of said board, and he shall be the chairman of the committee on finance of said council, and the city superintendent of public schools shall also be a member of said board.

(3) Said directors shall hold office—one-third for one year, one-third for two years, and one-third for three years—from the date of their appointment, and at their first regular meeting shall cast lots for their respective terms, and annually thereafter the mayor shall appoint, as before, three directors, to take the place of the retiring directors, who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the council, remove any director for misconduct or neglect of duty.

(4) Vacancies in the board of directors, occasioned by removal, resignation, or otherwise, shall be reported to the council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

(5) Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance, and for the government of the library and reading room, as may be expedient and may be not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any

library building, and of the supervision, care, and custody of the ground, rooms, or buildings constructed, leased, or set apart for that purpose: provided, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease ground, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

(6) Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules.

(7) The said board of directors shall make at the end of each and every year, from and after the organization of such library, a report to the city or town council, stating the conditions of their trust at the date of such report, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as they may deem of general interest. All such portions of said report as relates to receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased shall be verified by affidavit.

(8) The council of said city or town shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the ground or other property thereof, and for wilful injury to or failure to return any book belonging to such library.

(9) The said board of directors shall be legally known and designated as the board of directors of the public library of the city (or town) of _____, or as the board of directors of the free reading rooms of the city (or town) of _____. and as such shall have power to take property, real or personal, by gift, grant, or devise. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to (the) money or real estate so donated in the board of directors by its proper legal designation created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and, as to such property, the members of said board shall be held and considered to be special trustees.

§ 1043. Authorizing cities and towns to make city and town levies.—The council of every city or town shall cause to be made up and entered on their journal an account of all sums lawfully chargeable on the city or town which ought to be paid within one year, and order a city or town levy of so much as in their opinion is necessary to be raised in that way in addition to what may be received for licenses and from other sources. The levy so ordered may be upon the male persons in the said city or town above the age of twenty-one years, and upon any property therein, and on such other subjects as may at the time be assessed with State taxes against persons residing therein.

§ 1044. Collector may distrain for city or town levies.—The officer of a city or town, whose duty it is to collect city or town levies, shall have the same power to distrain therefor goods and chattels within his city or town as is given by sections six hundred and twenty-two and six hundred and twenty-three to the officers named therein.

§ 1045. Delinquent lists.—He shall, after using due diligence to collect said levies, make out lists of such as cannot be collected upon forms similar to those prescribed in sections six hundred and five and six hundred and six, with the names of the persons chargeable with such levies placed alphabetically in said lists, and at the foot of each list subscribe the following oath: "I, A. B. ———, of the city (or town) of ———, do swear that the foregoing list is, I verily believe, correct and just; that I have received no part of the city (or town) levies mentioned in the said list; and that I have used due diligence to find property within my city (or town) liable to distress for the said levies, but have found none."

§ 1046. How examined and allowed; copy of list of real estate to be sent to auditor.—The said lists shall be returned, examined, and posted or published as the council of the city or town may prescribe, and such credit given to the officer on account thereof as they may direct. The lists, whereof credit may be allowed, shall be preserved in the office of the clerk of the council. Within one month after the said lists are allowed, the said clerk shall transmit to the auditor of public accounts a copy of the list of real estate appearing thereby to be delinquent, showing the amount of delinquency on each lot.

§ 1047. Disbursements of moneys; claims allowed to be posted and published.—All moneys collected or received for any city or town shall be applied as the council thereof may direct; and it shall be the duty of the council and of the clerk of the circuit and corporation courts to cause to be made out quarterly an itemized statement of all accounts authorized to be paid by the said council and by the judge of the circuit and corporation courts, and cause the same to be posted at the front door of the courthouse or other public place in said city or town, and also to be published in such newspaper as the said council may direct.

§ 1048. Effect of chapter on charters of cities and towns.—Nothing contained in this chapter, in conflict with any provision of the charter of any city or town, shall be construed to repeal such provision, except section ten hundred and thirteen *a*, ten hundred and fifteen *b*, ten hundred and fifteen *c*, ten hundred and fifteen *d*, ten hundred and fif-

teen *e*, ten hundred and fifteen *f*, ten hundred and fifteen *g*, ten hundred and fifteen *h*, ten hundred and twenty-eight *a*, ten hundred and thirty-two *a*, ten hundred and thirty-three, ten hundred and thirty-three *b*, ten hundred and thirty-three *c*, ten hundred and thirty-three *d*, ten hundred and thirty-three *e*, ten hundred and thirty-three *f*, ten hundred and thirty-three *g*, ten hundred and thirty-three *h*, and ten hundred and forty *a*, shall be construed to repeal any provision of the charter of any city or town in conflict with the provisions of said sections, or any of them, anything in the said charter to contrary notwithstanding.

2. Sections ten hundred and thirty-nine and ten hundred and forty of the Code of Virginia, and section ten hundred and forty-three of the Code of Virginia, as amended and re-enacted by an act approved March fourth, eighteen hundred and ninety-six, and as attempted to be repealed by an act approved March seventh, nineteen hundred, and an act approved March seventh, nineteen hundred, entitled "an act to provide for local assessments in cities and towns," are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 270.—An ACT concerning corporations.

Became a law, without the governor's signature, May 21, 1903.

Be it enacted by the general assembly of Virginia as follows:

1. By executing, filing, and recording a certificate as hereinafter, in sections two and three of this chapter, set forth, any number of persons, not less than three, may, under the provisions and subject to the requirements of this act, associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, except a railroad company, a telegraph company, a telephone company, a canal company, a turnpike company, or other company which shall need to possess the right of eminent domain for the purpose of taking and condemning lands within this State.

2. Such certificate of incorporation shall set forth:

(a) The name of the corporation, which name shall contain the word "corporation," or the word "incorporated," and shall be such as to distinguish it from any other corporation engaged in a similar business, or promoting or carrying on similar objects or purposes in this State.

(b) The name of the county, city, or town wherein its principal office in this State is to be located.

(c) The purposes for which it is formed.

(d) The maximum and minimum amount of the capital stock of the corporation, and its division into shares; and, if there be more than one class of stock created by the certificate of incorporation, a description of the different classes thereof, with the terms on which such different classes are created.

(e) The period, if any, limited for the duration of the corporation.

(f) The names and residences of the officers and directors who, unless sooner changed by the stockholders, are for the first year to manage the affairs of the corporation.

(g) The amount of real estate to which its holdings at any time are to be limited.

(h) The certificate of incorporation may also contain any provision which the incorporators may choose to insert for the regulation of the business, and for the conduct of the affairs of the corporation; and any provision creating, defining, limiting, or regulating the powers of the corporation, of the directors, or of the stockholders, or of any class or classes of stockholders: provided, such provision be not inconsistent with this act.

3. Such certificate shall be signed by at least three persons; shall be acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds, and shall be presented in term time or in vacation to the judge of the circuit court of the county, or of the circuit, corporation or chancery court of the city wherein the principal office of the corporation is to be located. Such judge shall thereupon certify thereon whether, in his opinion, such certificate is signed and acknowledged in accordance with the requirements of this act, and if not, in what respects it is faulty. As soon as the certificate is so endorsed by the judge, and the fee, if any, required by law to be paid to the State upon the charter shall have been duly paid, it, together with the receipt for such payment, may be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter and shall issue or refuse the same accordingly. When so issued the certificate, with all endorsements, together with the order thereon of the State Corporation Commission, shall be certified by the said commission, as required by law, to the secretary of the Commonwealth, and by the last-named officer recorded in the charter records of his office, who shall thereupon certify the same to the clerk of the circuit court of the county, or the corporation court of the city wherein the principal office of such corporation is to be located, or to the clerk of the chancery court of the city of Richmond, when such principal office is to be located in said city, who shall likewise record the same in a book to be provided and kept for the purpose in his office, and when so recorded the fact of such recordation shall be endorsed upon the said certificate, and the said certificate, with all endorsements thereon, shall be returned by the said clerk to the State Corporation Commission and lodged and preserved in the office of its clerk. As soon as the charter shall have been lodged for recordation in the office of the secretary of the Commonwealth, the persons who signed and acknowledged said certificate, and their successors, and such other persons as may be associated with them according to the provisions of law, or of their charter, shall be a body politic and corporate, by the name set forth in the said certificate, with the powers and upon the terms set forth

therein, so far as not in conflict with this act; and in addition shall have all the general powers and be subject to all the general restrictions and liabilities conferred and imposed by this act and by the general laws of this State applicable thereto, not in conflict with this act, or with said charter, as hereinbefore provided.

4. Until such amount of stock as the incorporators may determine, not less than the minimum fixed by the certificate of incorporation, shall have been subscribed, and such terms in respect thereto as they, in the contract of subscription, may impose, shall have been complied with, the signers of the certificate of incorporation shall have direction of the affairs and of the organization of the corporation, and may, in person or by proxy, take such steps as they may deem proper, not inconsistent with this act, to obtain the necessary subscription to the stock, and may determine the form and terms of the stock subscription agreement; what notice, if any, shall be given of the opening of the subscription books; they shall give ten days' notice of the initial or organization meeting of the subscribers to the capital stock, unless all subscribers are present, or represented, or notice is waived in writing by such as are absent; and generally may take all such steps as may be necessary or convenient for the purpose of perfecting the organization of the corporation; but if the stock, subscription, agreement, or contract of subscription shall vary substantially from the charter or certificate of incorporation as to the nature, object or powers of the corporation, all subscriptions or contracts or agreements therefor shall be void.

5. At any time before the amount of stock so fixed by the incorporators shall have been subscribed, any amendment or alteration of the original certificate, not inconsistent with this act, may, if accompanied by a receipt showing the payment of the proper fee, if any be made by a supplemental certificate, made, signed, and acknowledged by the incorporators, and certified, issued, and recorded, and lodged in the office of the State Corporation Commission, in the same manner as is provided in reference to the original certificate, but in that event, all subscriptions theretofore made to the capital stock shall be void.

6. At any time after such subscriptions shall have been completed, the subscribers to the capital stock may, until the corporation is duly organized, apply to the State Corporation Commission for any amendment or alteration to the original certificate, and to that end may present to the State Corporation Commission a supplemental certificate, made, signed, and acknowledged by them in the manner hereinbefore provided as to the making, signing, and acknowledging of the original certificate, certified by a judge as hereinbefore provided as to the original certificate, and, in the event such amendment or alteration is one upon which the law imposes the payment of a fee to the State, then such supplemental certificate, when presented to the said commission, must be accompanied by the receipt for such payment, and thereupon the State Corporation Commission shall act thereon in the same manner hereinbefore provided as to the original certificate; and if the amendment or alteration be issued, then such supplemental certi-

cate, together with all endorsements, and the order of the commission thereon, shall be recorded, and lodged in the office of the State Corporation Commission, as is provided in reference to the original certificate, and when lodged for record in the office of the secretary of the Commonwealth, the original charter shall be deemed to be altered or amended accordingly.

7. At any time after organization, any such corporation may change the nature of its business, change its name, decrease its capital stock, change the par value of the shares of its capital stock, change the location of its principal office in this State, extend its corporate existence, create one or more classes of preferred stock, and make such other amendments, changes, or alterations as may be desired, in manner following, except that no increase of capital stock shall be made otherwise than in the manner prescribed in section nine of this act: The board of directors shall pass a resolution declaring that such amendment, change, or alteration is advisable, and calling a meeting of the stockholders to take action thereon, the meeting to be held upon notice by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing to each of the stockholders, to be served on him personally, or by mailing the same to him to his last known postoffice address, at least ten days prior to such meeting; such notice must state the time and place of the meeting and its object. If two-thirds in interest of each class of the stockholders having voting power shall vote in favor of such amendment, change, or alteration, a certificate thereof shall be made by the president, or by one of the vice-presidents, under the seal of the corporation, attested by the secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. Such certificate, and if the amendment or alteration be one in respect to which the payment of a fee to the State is imposed by law, a receipt for such payment shall be presented to the State Corporation Commission, which shall ascertain and declare whether the said applicant, by complying with the requirements of the law, is entitled to the amendment, alteration or extension set forth in said certificate, and shall issue or refuse the same accordingly. If the same is issued, the said certificate, with the endorsements thereon, together with the order thereon of the commission, shall be forthwith certified as required by law to the secretary of the Commonwealth, to be recorded by the last-named officer as provided in reference to original certificates, and shall be certified by him to the clerk of the circuit court of the county, or the circuit, corporation or chancery court of the city, in which the original certificate of incorporation is recorded, and the clerk of such court shall thereupon record the same in his office in a book provided and kept for the recordation of charters, and shall endorse the fact of such recordation upon the said certificate, and return the same to the State Corporation Commission, to be lodged and preserved in the office of its clerk. As soon as the said certificate is lodged for recordation in the office of the

secretary of the Commonwealth, the original certificate of incorporation shall be deemed to be amended accordingly: provided, however, that such certificate of amendment, change or alteration shall contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation, made at the time of making such amendment or alteration: provided, that no amendment, change or addition substantially changing the object for which said corporation was chartered or extending the duration of its corporate existence, shall be made, except by unanimous consent of all the stockholders of said corporation.

8. The charter of any corporation existing at the time of the passage of this act, or of any corporation thereafter organized under any charter heretofore granted by a court, or by the general assembly, and authorized to do any business permitted under section one of this chapter, may be altered or amended, and the charter thereof extended in the manner and subject to the limitations prescribed in the foregoing section, so as to obtain any privilege, power or authority, not inconsistent with this act and the general incorporation laws of this State, which might be obtained and enjoyed by any such corporation organized hereunder, and any extension, which, under this act, a corporation organized hereunder might obtain: provided, that any such corporation which shall hereafter accept or effect any amendment or any extension of its charter hereunder shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof; and, also, all exclusive rights or privileges granted to it by the general assembly, and not enjoyed by other corporations of a similar general character, and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms, and conditions of the Constitution of Virginia, and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

9. In case the capital stock of any corporation organized under this chapter, or under any charter heretofore granted by any court, or by the general assembly of this State, for any purpose permitted under section one of this chapter, is found to be insufficient for its purposes, such corporation may increase its capital stock from time to time to any amount that it may deem requisite, such increase to be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders who shall be present, or represented, and voting at a meeting of the stockholders, which two-thirds shall amount to at least a majority of the capital stock of the corporation called by the directors for that purpose by a notice by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing to each of the stockholders, to be served on him personally, or by mailing the same to him to his last known postoffice address, at least ten days prior to such meeting; such notice must state the time and place of the

meeting, and its general object, and the amount to which it is proposed to increase the capital stock. The proceedings of said meeting must be entered on the minutes of the proceedings of the stockholders; and if two-thirds in amount of such stockholders vote in favor of such increase a certificate thereof shall be made by the president, or by one of the vice-presidents, under the seal of the corporation, attested by the secretary, and shall be acknowledged by said officers signing the same before any officer authorized by the laws of this State to take acknowledgments of deeds, and when so acknowledged, it, together with the receipt for the payment of any fee to the State which may be imposed by law for such increase of capital, may be presented to the State Corporation Commission, which shall ascertain and declare whether the said corporation has, by complying with the requirements of the law, entitled itself to make such increase of the capital stock of said corporation, and accordingly shall issue or refuse a certificate for said increase of capital. If the amendment to the charter of such corporation allowing such increase of capital be issued, it shall be certified by the commission as required by law to the secretary of the Commonwealth, and recorded by the last-named officer in the charter records of his office, and by him certified to the clerk of the court of the county or city in which the original certificate of incorporation is recorded, who shall likewise record the same in his office, and endorse upon such certificate the fact of such recordation, and return the same to the State Corporation Commission, to be lodged and preserved in the office of its clerk. As soon as the said certificate is lodged for recordation in the office of the secretary of the Commonwealth the charter of said corporation shall stand so amended, and the increase of capital stock shall become effective, and from time to time the board of directors may proceed to dispose of the capital stock, as so increased, upon such terms and conditions and for such considerations as they may deem for the best interest of the said corporation, but not until after full compliance with the requirements in that regard of section one hundred and sixty-seven of the Constitution of the State.

10. The decrease of the capital stock of any corporation organized under this chapter, or under any charter heretofore granted by any court, or by the general assembly of this State, for any purpose permitted under section one of this chapter, may be effected by retiring or reducing any class of stock, or by the surrender by every shareholder of his shares, and the issue to him, in lieu thereof of a decreased number of shares, or by the purchase, at not above par, of certain shares for retirement, or by retiring shares owned by the corporation, or by reducing the par value of the shares; and when any corporation shall decrease the amount of its capital stock, as hereinbefore provided, the certificate decreasing the same shall be published for three weeks successively, at least once a week, in a newspaper published in the county or city in which the principal office or place of business of the corporation is located, the first pub-

lication to be made within fifteen days after the recordation of such certificate, as required by section seven of this chapter; but if there be no such newspaper published in said county or city, then a copy of said certificate shall be posted at the front door of the courthouse of said county or city within fifteen days after the recordation of said certificate: provided, however, that no such decrease in capital stock shall affect any right of any creditor of the said corporation existing at the time of such decrease.

11. Whenever, in the judgment of the board of directors, it shall be deemed advisable, and for the benefit of such corporation that it shall be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board, at any meeting called for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice shall be given in person or shall be mailed to every director, at least three days prior to such meeting, shall cause notice of the adoption of such resolution to be mailed to each stockholder of record; and also, beginning within the said ten days, cause a like notice to be published in a newspaper published in the county or city wherein the corporation shall have its principal office; but if there be no such newspaper published in said county or city, then in a newspaper published in a county or city convenient to the county or city in which said principal office is located, at least once a week for four successive weeks next preceding the time appointed for the same, of a meeting of the stockholders to be held at the principal office of the corporation, to take action upon the resolutions so adopted by the board of directors, which meeting shall convene between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by the consent of the majority in interest of the stockholders present, be adjourned from time to time; and if, at any such meeting, or adjourned meeting, two-thirds in interest of the stockholders shall consent that a dissolution shall take place, and signify their consent in writing, given either in person or by proxy, such consent, together with a list of the names and residences of the directors and officers, certified by the president, secretary, and treasurer, shall be filed in the office of the clerk of the State Corporation Commission, and the commission, upon being satisfied by due proof that the requirements of this act have been complied with, shall issue a certificate that such consent has been filed, and thereupon the said corporation shall stand dissolved, and the board shall proceed to settle up and adjust its business and affairs. Whenever all the stockholders shall consent to the dissolution, no meeting or notice thereof shall be necessary, but on filing the said consent in the office of the State Corporation Commission, the said commission shall issue a certificate of dissolution, and the said corporation shall thereupon stand dissolved, and the said board shall proceed to settle up and adjust

the business and affairs of the said corporation: provided, however, that no such dissolution shall affect the rights of any creditor of the said corporation existing at the time of such dissolution.

12. The incorporators named in any certificate of incorporation, before the payment of any part of the capital, and before beginning the business for which the corporation was created, may surrender all their corporate rights and franchises, by filing in the clerk's office of the State Corporation Commission a certificate, verified by oath, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises; and thereupon the said corporation shall stand dissolved.

13. The business of every corporation organized under the provisions of this chapter shall be managed by a board of directors of such number, not less than three, as may be prescribed by the certificate of incorporation or the by-laws of the corporation. They shall hold office, unless sooner removed by the stockholders, for the term fixed by the certificate of incorporation or by-laws and until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. The board of directors may, if authorized by the stockholders, or by the by-laws, by a resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution or in the by-laws of said corporation, shall have and exercise the power of the board of directors in the management of the business and affairs of the corporation, and may have power to authorize the seal of the company to be affixed to all papers which may require it.

14. Every corporation incorporated under the provisions of this chapter, and of chapter three of this act, and every corporation of the same or similar general class or nature, heretofore incorporated by the general assembly or under the laws of this State, shall, after each annual meeting of its stockholders, certify to the State Corporation Commission and to the clerk of the circuit court of the county, or corporation or chancery court of the city wherein is located its principal office, a list of the officers and directors of such corporation elected at said annual meeting, and it shall be the duty of the clerk of the said commission, and of the clerk of the circuit court of said county, or corporation or chancery court of said city, to keep a file of such certificates, which shall be open to public inspection, and the clerk of such court shall be entitled to a fee of twenty-five cents for filing such certificate, to be paid by the said corporation; and every such corporation, all of the officers and directors of which are non-residents of the county or city in which its principal office is located, shall, at the same time, annually, by written power of attorney, appoint some practicing attorney at law residing in the city or county wherein the principal office of said corporation is located, its attorney or agent, upon whom all legal process against the corporation may be served, and who shall be authorized to enter an appearance in its behalf. Such power of attorney shall be recorded in the clerk's office of the

circuit court of the county, or the corporation or chancery court of the city wherein the principal office of the said corporation is located, and also in the office of the secretary of the Commonwealth; any such corporation failing to comply with the provisions of this section within thirty days after its annual meeting shall be fined not less than fifty dollars, nor more than one hundred dollars, and each day's continuance of such failure may be construed to be a separate offense under this section, such fine to be imposed and enforced by the State Corporation Commission, with right of appeal to the supreme court of appeals; and if any such corporation shall be in default for more than six months in complying with the provisions of this section the State may proceed against such corporation by writ of quo warranto, or information in the nature of a writ of quo warranto, for the vacation and forfeiture of its charter, and upon judgment in such proceeding against any such corporation, its charter shall thereafter be vacated and forfeited, such proceedings to be instituted and prosecuted by the attorney-general at the request of the State Corporation Commission.

15. Whenever the principal purpose for which such corporation was formed has failed, or the management of the corporation has been abandoned by its officers and directors, or when operations under the charter have been suspended or abandoned for a period of three years, or the corporation has become insolvent, it shall be lawful for the circuit court of the county or the circuit court of the city or other court having chancery jurisdiction in the city, wherein the principal office of such corporation is located, sitting in chancery, to wind up and dissolve such corporation, and make such disposition of its assets as may be just and equitable, in a suit brought by a stockholder or stockholders holding at least one-fourth of the capital stock of the corporation.

CHAPTER II.

1. Any number of persons, not less than seven, may form a corporation under the provisions of this act, for the purpose of purchasing, at any sale under decree of any court of this State, other State, or the United States, or at any foreclosure sale under deed of trust or mortgage, leasing or constructing, and of maintaining and operating a railroad or railroads, to be operated with any kind of motive power, and to be used as a common carrier in the conveyance of persons or property, or both; and for that purpose may make and sign articles of association, in lieu of a certificate of incorporation heretofore, in chapter one of this act, authorized, in which articles of association shall be stated:

(a) The name of the corporation.

(b) The principal terminal places to and from which it is proposed for such road or roads to be purchased, leased or constructed, maintained, and operated.

(c) The estimated length of the main line or lines of such road or roads, and the name of each city and county in this State through or into which it is constructed or intended to be constructed.

- (d) The period, if any, limited for the duration of the corporation.
- (e) The maximum and minimum amount of capital stock of the corporation and its division into shares.
- (f) The names and places of residence of the directors who shall manage the affairs of the corporation for the first year, unless others are sooner chosen by the stockholders to act in their places. The number of directors shall not be less than seven.
- (g) The place in this State in which its principal office will be located.
- (h) The articles of association may also contain any provisions which the incorporators may choose to insert for the regulation of the business and the conduct of the affairs of the corporation, and any provisions as to the plan of financial organization or relating to the internal regulation or government of the corporation, its directors, stockholders, or any class or classes thereof: provided, such provisions are not contrary to the provisions of this act.

2. The articles of association shall be signed in person by not less than seven incorporators, shall be acknowledged by the persons so signing before an officer authorized by the laws of this State to take acknowledgments of deeds, and the said articles, together with the receipt showing the payment of the fee, if any, required by law to be paid to the State upon the charter, may be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to a charter, and shall issue or refuse the same accordingly. When the said charter shall have been so issued the said articles of association, with all endorsements thereon, and the order of the State Corporation Commission, shall be certified to the secretary of the Commonwealth, as required by law, and by the last-named officer recorded in the charter records of his office, who shall thereupon endorse thereon the fact of such recordation, and return the same to the State Corporation Commission to be lodged and preserved in the office of its clerk. As soon as the said articles of association are lodged with the secretary of the Commonwealth to be recorded, the persons who signed and acknowledged the same, and their successors, and such other persons as may be associated with them, according to the provisions of the law or of their charter, shall be a body politic and corporate, by the name set forth in the said articles of association, with the powers and upon the terms set forth therein, so far as not in conflict with this act; and in addition shall have all the general powers, and be subject to all the general restrictions conferred and imposed on corporations by chapter five of this act, and the laws of this State relating to corporations, so far as applicable thereto, and shall also have power:

- (a) To cause to be made such examinations and surveys for its proposed railroad as may be necessary to the selection of the most advantageous route or routes, or for the improvement or straightening of its line or change of location, or for constructing or providing additional tracks or facilities, or any other work or thing mentioned in

subsection (f) of this section; and for such purposes, by its officers and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage that may be done thereto.

(b) To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance, and accommodation of its railroad, its terminals, and appurtenances.

(c) To purchase, lease, or otherwise acquire, hold, and use all such real estate or other property as may be necessary for the construction and maintenance of its railroads, its terminals, depots, stations, and other accommodations necessary to accomplish the objects of its incorporation.

(d) To lay out its road as in its said articles of association, or in this act, provided, and to construct, maintain, and operate the same, and to purchase, lease, or otherwise acquire, or construct, maintain, and operate all necessary or convenient telegraph and telephone lines in connection with, and as a part of its business, as far as practicable on the right of way of such road so far as the right of way is in this State.

(e) To consolidate or merge into itself, purchase or lease the works, property, and franchises, or any part thereof, of any railroad company incorporated under the laws of this State or another State, or of this State and another, or other States, and to sell or lease its works, property, and franchises, or any part thereof, to any other such corporation chartered and organized under the laws of this State: provided, however, that nothing in this act shall authorize or be construed to permit the purchase, lease, sale, consolidation or merger of the works, property or franchises of railroads competitive with it between points, both of which are within this State, or lines between the same terminal points, both of which are within this State, whether such lines be operated by the same or different motive power. Nothing in this act shall be construed to limit or invalidate any of the provisions of any charter now in force which has been heretofore granted to any railroad corporation by an act of the general assembly of this State: provided, however, that if any railroad company, heretofore organized under any law of this State shall hereafter purchase, merge or consolidate with itself any railroad competitive with it between points, both of which are within this State, then the company so purchasing, merging or consolidating shall thereby be deemed to surrender, and shall thereby surrender any exemption it may have under section twelve hundred and forty of the Code of Virginia, from the power of the State to change its tolls without its assent, unless said purchase, merger or consolidation be approved by the State Corporation Commission, in which event there shall be no such surrender. Should any railroad corporation heretofore chartered by an act of the general assembly of this State be merged into, or consolidated into, or be acquired by a foreign corporation in such way that the corporation of this State thereby loses its identity as a corporation of this State, then such foreign corporation so consolidating, merging or acquiring such

railroad shall, as a condition precedent to the validity of any such merger, consolidation or acquisition, file with the State Corporation Commission an instrument in writing, attested by the seal of said foreign corporation, and the signatures of its president and secretary acknowledging itself to be a domestic corporation of the State of Virginia as to its works, property, and franchises within the territorial limits of the said State of Virginia, and subject to its laws and the jurisdiction of its courts.

(f) In the event the said corporation cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found, or is unknown, agree on the terms of purchase with those entitled to any land, sand, earth, gravel, water, or other material necessary to be taken and used in the construction, maintenance, operation or improvement of said railroad, or in the straightening of its line, or change of its location, or in constructing or providing depots, stations, shops, yards, terminals or additional tracks or facilities, or for other necessary railroad purposes, it may proceed for the condemnation thereof in the manner and under the restrictions prescribed by the general statutes of this State, relative to the condemnation of lands: provided, however, that such corporation shall not take by condemnation proceeding a strip of land for its right of way wider than one hundred feet, except at places where more land is required for slopes, ditches, cuts, tunnels, embankments, or for the improvement or straightening of its line, or change of location, or for drainage, or for depositing waste material.

(g) To exercise all other powers hereby granted and all the powers conferred upon railroad corporations by the existing laws of this State, so far as not in conflict herewith, and by all acts hereafter passed amendatory thereof, or supplemental thereto, and subject to all the restrictions imposed by law on such corporations.

3. Any railroad corporation of this State, or deriving its franchises therefrom, owning or authorized to purchase, lease, or to construct, maintain, and operate a railroad, or branch thereof, to or near the boundary line of this State, may extend its line, or any branch thereof, into or through any State, with the assent of such State, and such extension may pass out of this State into any other State and back again into this State, as often as may be necessary, and the rights, powers, and privileges of, and restrictions on, any corporation over said extension in connection with such road, and in controlling the property and applying the money and assets thereof, shall be the same as if the road were built wholly within this State.

4. Until such amount of stock as the incorporators may determine, not less than the minimum required by the articles of association, shall have been subscribed, and such terms in respect thereto as they, in the contract of subscription may impose, shall have been complied with, and the subscribers shall have met and organized, the incorporators in said articles named shall have full direction of the affairs and of the organization of the corporation, and may take such steps as they may

deem proper, not inconsistent with this act, to obtain the necessary subscriptions to the stock; may determine the form and terms of the stock subscription agreement; what notice, if any, shall be given of the opening of the subscription books; and what notice, and the method of serving the same, shall be given of the initial or organization meeting of the subscribers to the capital stock; and generally all such steps as may be necessary or convenient for the purpose of perfecting the organization of the corporation.

5. Amendments or alterations of the original articles of association may be made as follows:

(a) At any time before the amount of capital stock fixed by the incorporators, as above mentioned, shall have been subscribed, such amendments or alterations may be made by supplemental articles, made, signed, and acknowledged by the incorporators, and endorsed, issued, and recorded in the same manner, in every respect as is provided in reference to the original articles of association, but in that event all subscriptions theretofore made to the capital stock shall be void.

(b) At any time after the amount of capital stock fixed as aforesaid, by the incorporators, shall have been subscribed, and prior to the organization of the subscribers, such amendments or alterations when authorized by the signature of all the subscribers, may be made on the application of a majority of the incorporators proceeding in the same manner as above provided in subsection (a) of this section.

(c) At any time after organization any corporation organized under this chapter upon articles of association, may make any amendment, alteration or extension of its charter that it may desire, in manner following: The board of directors shall pass a resolution declaring that such amendment, alteration or extension is advisable, and calling a meeting of the stockholders to take action thereon. The meeting shall be held upon notice by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or upon ten days' notice given personally or by mailing the same to all of the stockholders then of record; if two-thirds in interest of each class of the stockholders having voting powers, present or represented, and voting, shall vote in favor of such amendment, alteration, or extension, a certificate thereof shall be made by the president, or by one of the vice-presidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds; and such certificate, together with the receipt for the payment of any fee to the State that may be imposed thereon by law, shall be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants, by complying with the requirements of the law, have entitled themselves to the amendment, alteration or extension applied for, and shall issue or refuse the same accordingly. If the same is issued, the certificate, with the order thereon of the commission, shall be forthwith certified to the secretary of the Commonwealth, as required by law, for recordation in the same manner as provided as to

original articles of association, and in like manner to be returned and lodged in the office of the clerk of the said commission. As soon as the said certificate is lodged with the secretary of the Commonwealth, the original articles of association shall be deemed to be amended accordingly: provided, however, that such certificate of amendment, alteration or extension shall contain only such provisions as would be allowable or proper to be contained in the original articles of association if made at the time of making such amendment, alteration or extension.

6. The charter of any railroad corporation existing at the time of the passage of this act, or thereafter organized under any charter heretofore granted by the general assembly, may be altered or amended as hereinafter provided, so as to obtain, as a part of its charter, any privileges, power or authority, not inconsistent with this act, and the general incorporation laws of this State which might be obtained and enjoyed by any railroad corporation organized hereunder, and the charter of any such corporation may also be extended as hereinafter set forth: provided, that any such corporation which shall hereafter accept or effect any amendment or extension of its charter hereunder, shall be conclusively presumed to have thereby surrendered every exemption from taxation and every non-repealable feature of its charter and of the amendments thereof; and also, all exclusive rights or privileges theretofore granted to it by the general assembly and not enjoyed by other corporations of a similar general character, and to have thereby agreed to thereafter hold its charter and franchises and all amendments thereof, under the provisions and subject to all the requirements, terms, and conditions of the Constitution of Virginia, and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation. Such alterations, amendments or extensions, when authorized by a vote of a majority of the stockholders, which two-thirds shall amount to at least a majority of the capital stock of the corporation, present or represented, and voting at a meeting, may be applied for by a writing signed in the name of the corporation by its president, or by one of its vice-presidents, under its corporate seal, attested by its secretary, and acknowledged by the officers signing the same before any person authorized by the laws of this State to take acknowledgments of deeds, and when so signed and acknowledged the said writing, together with the receipt for the payment of any fee to the State that may be imposed thereon by law, may be presented to the State Corporation Commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the amendment or extension applied for, and shall issue or refuse the same accordingly. If the same be issued, the said application, with the order thereon of the State Corporation Commission, shall forthwith be certified, as required by law, to the secretary of the Commonwealth for recordation, as is required with reference to original articles of association under this chapter, and to be in like manner returned and lodged in the office of the clerk of the said commission. And when the said writing, with

the endorsements and the order of the State Corporation Commission thereon, shall be lodged in the office of the secretary of the Commonwealth, such amendment or extension shall, to all intents and purposes, immediately become a part of the corporation's charter, and be effective from and after that time, unless a different time be fixed in the said amendment or extension for the commencement thereof, in which latter event such amendment or extension shall begin at the time so fixed. A copy of such application and order, duly certified by the secretary of the Commonwealth under the seal of the State, shall be evidence in any court of this State of the facts therein stated, and of the amendment or extension of said charter.

7. Any railroad corporation incorporated, or whose charter is amended under this act, may, when authorized by a resolution of its board of directors, construct, maintain, and operate any number of branches, or make an extension beyond any of its termini, each such branch or extension not to exceed twenty miles in length; and when authorized by resolution of its stockholders may make such branches or extensions, each not to exceed fifty miles in length.

8. The board of directors may, from time to time, increase the capital stock of the corporation up to the maximum limit fixed by the said articles of association or any amendment thereof, and may dispose of such supplemental issue at such prices, for such considerations, and on such terms and conditions as they may deem for the best interests of the corporation, but no such stock shall be issued until after full compliance with the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto.

9. Whenever the maximum amount of capital stock permitted by the charter of any railroad corporation formed under this act, or of any railroad corporation already chartered in this State, is found to be insufficient for constructing and operating its road, or for any other purpose of said corporation, such corporation may increase its capital stock from time to time to any amount required for such purposes, by the unanimous vote of all the stockholders of the company at a meeting, or as follows: Such increase must be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders of the corporation, present or represented, and voting at a meeting of the stockholders, which two-thirds shall amount to at least a majority of the capital stock of the corporation, called by the board of directors of the corporation for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each stockholder of record by serving the same on him personally or by mailing it to him addressed to the postoffice nearest his place of residence as it appears on the stock books of the corporation, at least ten days prior to such meeting, and in such notice must be stated the time and place of the meeting, its object, and the amount to which it is proposed to increase the capital stock. If at such meeting two-thirds in amount of all the stockholders present, or represented, and

voting, shall vote in favor of increasing the capital stock to an amount not exceeding the amount mentioned in such notice, a copy of the proceedings of such meeting, so far as they relate to this subject, entered on the records of the corporation, may be certified by the president, or by one of the vice-presidents, under the seal of the corporation, attested by the secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. A copy thus certified, together with the receipt for any fee to the State which may be imposed by law, may be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to make such increase of the capital stock, and accordingly shall issue or refuse a certificate permitting such increase. Said certificate shall be certified, as required by law, to the secretary of the Commonwealth, and recorded in his office as provided with reference to original articles of association, and returned and lodged in the office of the clerk of the said commission, and when so recorded in the office of the secretary of the Commonwealth the increase of the capital stock shall become effective, and from time to time the board of directors may proceed to dispose of the capital stock, as so increased, upon such terms and conditions, and for such considerations as they may deem for the best interests of the corporation; subject, however, to the provisions of section one hundred and sixty-seven of the Constitution of this State, so far as applicable.

10. Whenever the capital stock of any railroad corporation of this State, whether organized under this act or not, shall be found to be more than sufficient for its purposes, it may, with the concurrence of two-thirds in amount of all its stockholders, given as hereinafter provided, decrease its capital stock from time to time to any amount, not less than the minimum fixed in its charter, or some amendment thereof. Such decrease must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders of the corporation, at a meeting of such stockholders called by the board of directors for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each stockholder of record, by serving the same on him personally or by mailing it to him addressed to the postoffice nearest his place of residence, as it appears upon the stock books of the corporation, at least ten days prior to such meeting, and in such notice must be stated the time and place of the meeting, its object, and the amount to which it is proposed to decrease the capital stock. If at such meeting two-thirds in amount of all the stockholders vote in favor of decreasing the capital stock to an amount not less than the amount mentioned in such notice, which shall not be less than the minimum amount of authorized capital of the corporation, a copy of the proceedings, so far as they relate to this subject, entered upon the records of the corporation, may be certified by the president, or by one of the vice-presidents, under the seal of the corporation, attested by its secre-

tary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. A copy thus certified may be presented to the State Corporation Commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to make such decrease of the capital stock, and accordingly shall issue or refuse a certificate permitting the same, which certificate shall be certified as required by law to the secretary of the Commonwealth, to be recorded as required in reference to original articles of association under this chapter, and by him returned to the said commission, to be lodged and preserved in the office of its clerk. And when so recorded in the office of the Secretary of the Commonwealth the power of the said corporation to make such decrease, subject to the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto, shall be complete.

The capital stock may thereupon be decreased in the manner following, that is to say:

By retiring or reducing any class of stock, or by surrender by every stockholder of his shares and the issue to him, in lieu thereof, of a decreased number of shares, or by the purchase, at the fair market value, not exceeding par, of certain shares for retirement, or by retiring shares owned by the corporation, or by reducing the par value of shares; and when any corporation shall decrease the amount of its capital stock, as hereinbefore provided, the certificate decreasing the same shall be published for three weeks successively, at least once a week, in a newspaper published in the county or city in which the principal office of the corporation is located, and if no newspaper is published therein, then in a newspaper published in a county or city convenient thereto, the first publication to be made within fifteen days after the filing of such certificate.

11. If any railroad corporation organized under this act shall not, within two years after its articles of association shall have been filed and recorded, as required by this act, commence the construction of its road, and expend or cause to be expended thereon an amount equal to ten per centum of the amount of its subscribed capital stock within three years after the date of its organization, or shall not have finished its road and put it in operation within five years from the date of beginning such work, its corporate existence and powers shall cease; except, that if any such corporation shall have, within the time limited by this section, constructed a portion of its road and put the same, or some part thereof so completed, into actual operation, its corporate powers and rights under this act shall be preserved as to all the said road so completed and in operation.

12. No railroad company chartered under this act or whose charters may be amended under this act shall have power to build any railroad parallel to the line of the Richmond, Fredericksburg and Potomac railroad.

CHAPTER III.

1. By executing, filing and recording articles of association as hereinafter set forth, in lieu of the certificate of incorporation heretofore, in

chapter one of this act, authorized, any number of persons, not less than five, may, under the provisions and subject to the requirements of this act, associate to establish a corporation to purchase, lease, or construct, maintain and operate telegraph or telephone lines, or both, a canal, a turnpike, or any other works, except a railroad, intended to be used for public service, in which articles of association shall be stated:

(a) The name of the corporation.

(b) The nature or character of the works to be purchased, leased, or constructed, maintained and operated, and whether local to any city or county; and if so local, the name of the city or county in which the same is constructed, or to be constructed, maintained and operated.

(c) If a telegraph or telephone line, canal, turnpike, or other works, constructed, or proposed to be constructed, through or into two or more cities or counties, then the principal terminal places to and from which it is proposed that the same be purchased, leased, or constructed, maintained and operated.

(d) Whether local or not, the estimated length of the proposed telegraph or telephone line, canal, or turnpike, and if any other works intended to be used for public service, the estimated extent of such works and the length of any line of construction or improvement connected, or to be connected therewith; and if any of the same are constructed, or intended to be constructed, through or into two or more cities or counties, then the name of each city or county through or into which the same is constructed, or intended to be constructed.

(e) If a bridge, viaduct, aqueduct or tunnel corporation, the approximate location of its work of improvement, its estimated length and width, and the general character of the materials proposed to be used in construction.

(f) The period, if any, limited for the duration of the corporation.

(g) The maximum and minimum amount of the capital stock of the corporation, and its division into shares.

(h) The names and places of residence of the directors who shall manage the affairs of the corporation for the first year, unless others are sooner chosen by the stockholders to act in their places. The number of directors shall not be less than five.

(i) The place in this State in which its principal office will be located.

(j) The articles of association may also contain any provisions which the incorporators may choose to insert for the regulation of the business and the conduct of the affairs of the corporation, and any provision as to the plan of financial organization, or relating to the internal regulation or government of the corporation, its directors, stockholders, or any class or classes thereof: provided, such provisions are not contrary to the provisions of this act.

2. The articles of association shall be signed in person by not less than five incorporators, and shall be acknowledged by the persons so signing before an officer authorized by the laws of this State to take acknowledgments of deeds; and the said articles, together with the receipt showing the payment of the fee, if any, required by law to be paid to the State upon the charter, may be presented to the State Corporation Commis-

sion, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law entitled themselves to the charter, and shall issue or refuse the same accordingly. When the said charter shall have been so issued, the said articles of association, with all endorsements thereon and the order of the State Corporation Commission, shall be certified to the secretary of the Commonwealth as required by law, and by the last named officer recorded in the charter records of his office, who shall thereupon endorse thereon the fact of such recordation and return the same to the State Corporation Commission, to be lodged and preserved in the office of its clerk. As soon as the said articles of association are lodged with the Secretary of the Commonwealth to be recorded, the persons who signed and acknowledged the same, and their successors and such other persons as may be associated with them, according to the provisions of law, or of their charter, shall be a body politic and corporate by the name set forth in the said articles of association, with the powers and upon the terms set forth therein, so far as not in conflict with this act; and in addition, shall have all the general powers and be subject to all the general restrictions conferred and imposed on corporations by chapter five of this act, and the laws of this State relating to corporations, so far as applicable thereto, and shall also have power:

(a) To cause to be made such examinations and surveys for its proposed line or location of its works as may be necessary to the selection of the most advantageous locations, route, or routes, or for the improvement or straightening of its line, or works, or change of location or construction, or providing additional facilities, and for such purposes, by its officers and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages that may be done thereto.

(b) To take and hold such voluntary grants of real estate, and other property, as shall be made to it to aid in the construction, maintenance and accommodation of its works, terminals and appurtenances.

(c) To purchase, lease, or otherwise acquire, hold and use all such such real estate or other property as may be necessary for the construction and maintenance of its line, or works, its terminals and other accommodations necessary to accomplish the objects of its incorporation.

(d) To lay out its line, or works, as in its said articles of association, and in this act provided, and to construct the same.

(e) To consolidate or merge its works, property and franchises with that of any other corporation incorporated for like purposes, in or out of this State, or in this State and another State, as provided in chapter five of this act; and to purchase or lease the works, property and franchises, or any part thereof, of any other such corporation, and to sell or lease its property, works and franchises, or any part thereof, to any other such corporation chartered and organized under the laws of this State.

(f) In the event the said corporation cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot with reasonable diligence be found, or is unknown, agree on the terms of purchase with those entitled to any land, sand, earth, gravel, water, or other material necessary to be taken and used in the con-

struction, maintenance, operation, improvement, or straightening of the line, or works, or change of location of the line, or works, of any such corporation, or in constructing or providing additional facilities, or for other necessary purposes, may proceed for the condemnation thereof, in the manner and subject to the limitations provided by the general statutes of this State relative to the condemnation of lands; provided, however, any such canal or turnpike corporation shall not take, by condemnation proceedings, a strip of land for its right of way wider than one hundred feet, except at places where more land is required for slopes, cuts, tunnels, embankments, terminals, or for the improvement or straightening of its line, or for other necessary purposes, or change of location: and provided, further, no corporation chartered under this chapter shall take, by condemnation proceedings, any more land, or other property, than is required for its line or works, or the improvement or straightening of its line, or change of location as aforesaid, or for other necessary purposes.

(g) To exercise all other powers hereby granted, and all the powers conferred upon corporations of a like character by the existing laws of this State, so far as not in conflict with this act, and by all acts hereafter passed amendatory thereof, or supplemental thereto.

3. Any corporation of this State of the character designated in this chapter, or deriving its franchises from this State, owning or authorized to purchase, lease or construct, maintain and operate telegraph or telephone lines, a canal, a turnpike, or any other work intended to be used for public service, or branch thereof to or near the boundary line of this State, may extend its line of improvement, or any branch thereof, into or through any State, with the assent of such State, and such extension may pass out of this State and into any other State and back again into this State as often as may be necessary, and the rights, powers, and privileges of any corporation over said extension, in connection with such line of improvements, and in controlling the property and applying the money and assets thereof, shall be the same as if the works were built wholly within this State.

4. Until such amount of stock as the incorporators may determine, not less than the minimum required by the articles of association, shall have been subscribed, and such terms in respect thereto as they, in the contract of subscription may impose, shall have been complied with, and the subscribers shall have met and organized, the incorporators in the said articles named shall have full direction of the affairs and of the organization of the corporation, and may take such steps as they may deem proper, not inconsistent with this act, to obtain the necessary subscriptions to the stock; may determine the form and terms of the stock subscription agreement; what notice, if any, shall be given of the opening of the subscription books, and what notice and the method of serving the same shall be given of the initial or organization meeting of the subscribers to the capital stock, and generally all such steps as may be necessary or convenient for the purpose of perfecting the organization of the corporation.

5. Amendments or alterations of the original articles of association may be made as follows:

(a) At any time before the amount of capital fixed by the incorporators, as above mentioned, shall have been subscribed, such amendments or alterations may be made by supplemental articles, made, signed and acknowledged by the incorporators, and endorsed, issued, and recorded in the same manner, in every respect, as is provided in reference to the original articles of association, but in that event all subscriptions theretofore made to the capital stock shall be void.

(b) At any time after the amount of capital stock fixed as aforesaid by the incorporators, shall have been subscribed, and prior to the organization of the subscribers, such amendments or alterations when authorized by the signature of all the subscribers, may be made on the application of a majority of the incorporators proceeding in the same manner as above provided in subsection (a) of this section.

(c) At any time after organization any corporation organized under this chapter, upon articles of association, may make any amendment, alteration or extension of its charter that it may desire, in manner following: The board of directors shall pass a resolution declaring that such amendment, alteration or extension is advisable, and calling a meeting of the stockholders to take action thereon. The meeting shall be held upon notice by publication, at least six times a week, for two successive weeks, prior to such meeting, in some newspaper, published in or near the place where its principal office is located, or upon ten days' notice given personally or by mailing the same to all of the stockholders then of record. If two-thirds in interest of each class of the stockholders, which two-thirds shall amount to at least a majority of the capital stock of the corporation, having voting powers, present or represented, and voting, shall vote in favor of such amendment, alteration or extension, a certificate thereof shall be made by the president, or by one of the vice-presidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds; and such certificate, together with the receipt for the payment of any fee to the State that may be imposed thereon by law, shall be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants, by complying with the requirements of the law, have entitled themselves to the amendment, alteration or extension applied for, and shall issue or refuse the same accordingly. If the same is issued, the certificate, with the order thereon of the commission, shall be forthwith certified to the secretary of the Commonwealth, as required by law, for recordation in the same manner as provided as to the original articles of association, and in like manner to be returned and lodged in the office of the clerk of the said commission. As soon as the said certificate is lodged with the secretary of the Commonwealth the original articles of association shall be deemed to be amended accordingly: provided, however, that such certificate of amendment, alteration or extension shall contain only such provisions as would be allowable or proper to be contained in the original articles of association if made at the time of making such amendment, alteration or extension.

6. The charter of any corporation of the character in this chapter re-

ferred to, existing at the time of the passage of this act, or thereafter organized under any charter heretofore granted by the general assembly, or by any court of this State, may be amended as hereinafter provided, so as to obtain, as a part of its charter any privilege, power or authority not inconsistent with this act, and the general incorporation laws of this State which might be obtained and enjoyed by any corporation of the character in this chapter referred to, organized hereunder, the charter of any such corporation may also be extended as hereinafter set forth: provided, that any such corporation which shall hereafter accept or effect any amendment or extension of its charter hereunder shall be conclusively presumed to have thereby surrendered every exemption from taxation and every non-repealable feature of its charter and of the amendments thereof; and also, all exclusive rights or privileges heretofore granted to it by the general assembly and not enjoyed by other corporations of a similar general character, and to have thereby agreed to thereafter hold its charter and franchise, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of the Constitution of Virginia, and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation. Such alterations, amendments or extensions when authorized by a vote of a majority of the stockholders, present or represented and voting at a meeting, may be applied for by a writing signed in the name of the corporation by its president, or by one of its vice-presidents, under its corporate seal, attested by its secretary, and acknowledged by the officers signing the same before any person authorized by the laws of this State to take acknowledgments of deeds, and when so signed and acknowledged the said writing, together with the receipt for the payment of any fee to the State that may be imposed thereon by law, may be presented to the State Corporation Commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the amendment or extension applied for, and shall issue or refuse the same accordingly. If the same be issued, the said application, with the order thereon of the State Corporation Commission, shall forthwith be certified, as required by law, to the secretary of the Commonwealth for recordation, as is required with reference to original articles of association under this chapter, and to be in like manner returned and lodged in the office of the clerk of the said commission. And when the said writing, with the endorsements and the order of the State Corporation Commission thereon, shall be lodged in the office of the secretary of the Commonwealth, such amendment or extension shall, to all intents and purposes, immediately become a part of the corporation's charter, and be effective from and after that time, unless a different time be fixed in the said amendment or extension for the commencement thereof, in which latter event such amendment or extension shall begin at the time so fixed. A copy of such application and order, duly certified by the secretary of the Commonwealth under the seal of the State, shall be evidence in any court of this State of the facts therein stated, and of the amendment or extension of said charter.

7. Any canal or turnpike corporation incorporated under this act may,

when authorized by a resolution of its board of directors, construct, maintain and operate any number of branches of its line of improvement, and may make an extension beyond either or any of its termini, each such branch or extension not to exceed twenty miles in length.

8. The board of directors may from time to time increase the issue of capital stock of the corporation up to the maximum limit fixed by the said articles of association or any amendment thereof, and may dispose of such supplemental issue at such prices, for such consideration, and on such terms and conditions as they may deem for the best interests of the corporation, but no such stock shall be issued until after full compliance with the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto.

9. Whenever the maximum amount of capital stock permitted by the charter of any corporation formed under this chapter, or any corporation of a like character already chartered in this State, is found to be insufficient for constructing and operating its line of improvement or works, or for any other purpose of said corporation, such corporation may increase its capital stock from time to time to any amount required for such purpose, as follows: Such increase must be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders, which two-thirds shall amount to at least a majority of the capital stock of the corporation present or represented and voting at a meeting of the stockholders, called by the board of directors of the corporation for that purpose, of which meeting notice by publication, at least six times a week, for two successive weeks, prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each stockholder of record by serving the same on him personally or by mailing to him addressed to the postoffice nearest his place of residence, as it appears on the stock books of the corporation, at least ten days prior to such meeting, and in such notice must be stated the time and place of the meeting, its object, and the amount to which it is proposed to increase the capital stock. If at such meeting two-thirds in amount of all the stockholders present or represented and voting, which two-thirds shall amount to at least a majority of the capital stock of the corporation, shall vote in favor of increasing the capital stock to an amount not exceeding the amount mentioned in such notice, a copy of the proceedings of such meeting, so far as they relate to this subject, entered on the records of the corporation, may be certified by the president or by one of the vice-presidents, under the seal of the corporation, attested by the secretary and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. A copy thus certified, together with the receipt for any fee to the State which may be imposed by law, may be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to make such increase of the capital stock, and accordingly shall issue or refuse a certificate permitting such increase. Said certificate shall be certified as required by law to the secretary of the Commonwealth and recorded in his office as provided with reference to

original articles of association, and returned and lodged in the office of the clerk of the commission; and when so recorded in the office of the secretary of the Commonwealth, the increase of the capital stock shall become effective, and from time to time the board of directors may proceed to dispose of the capital stock as so increased upon such terms and conditions, and for such considerations as they may deem for the best interests of the corporation; subject, however, to the provisions of section one hundred and sixty-seven of the Constitution of this State, so far as applicable.

10. Whenever the capital stock of any corporation of the class designated in this chapter, whether organized under this act or not, shall be found to be more than sufficient for its purposes, it may, with the concurrence of two-thirds in amount of all of its stockholders, given as hereinafter provided, decrease its capital stock from time to time to any amount, not less than the minimum fixed in its charter, or some amendment thereof. Such decrease must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of the stockholders of the corporation at a meeting of such stockholders called by the board of directors for that purpose, of which meeting notice by publication, at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each stockholder of record, by serving the same on him personally or by mailing it to him addressed to the post-office nearest his place of residence, as it appears upon the stock books of the corporation, at least ten days prior to such meeting, and in such notice must be stated the time and place of the meeting, its object, and the amount to which it is proposed to decrease the capital stock. If at such meeting two-thirds in amount of all the stockholders vote in favor of decreasing the capital stock to an amount not less than the amount mentioned in such notice, which shall not be less than the minimum amount of authorized capital of the corporation, a copy of the proceedings, so far as they relate to this subject, entered upon the records of the corporation, may be certified by the president or by one of the vice-presidents, under the seal of the corporation, attested by its secretary and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. A copy thus certified may be presented to the State Corporation Commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to make such decrease of the capital stock, and accordingly shall issue or refuse a certificate permitting the same, which certificate shall be certified as required by law to the secretary of the Commonwealth, to be recorded as required in reference to original articles of association under this chapter, and by him returned to the said commission, to be lodged and preserved in the office of its clerk. And when so recorded in the office of the secretary of the Commonwealth, the power of the said corporation to make such decrease, subject to the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto, shall be complete.

The capital stock may thereupon be decreased in the manner following, that is to say:

By retiring or reducing any class of stock, or by the surrender by every stockholder of his shares, and the issue to him, in lieu thereof, of a decreased number of shares, or by the purchase at the fair market value, not exceeding par, of certain shares for retirement, or by retiring shares owned by the corporation, or by reducing the par value of shares, and when any corporation shall decrease the amount of its capital stock, as hereinbefore provided, the certificate decreasing the same shall be published for three weeks successively, at least once a week, in a newspaper published in the county or city in which the principal office of the corporation is located, and if no newspaper is published therein, then in a newspaper published in a county or city convenient thereto, the first publication to be made within fifteen days after the filing of such certificate.

11. If any corporation organized under this act shall not, within two years after its articles of association have been filed and recorded, as required by this act, commence the construction of its line of improvement, or works, and expend or cause to be expended thereon an amount equal to ten per centum of the amount of its subscribed capital stock, within three years after the date of its organization; or shall not have finished its line of improvement or works and put the same in operation, within five years from the date of beginning such work, its corporate existence and powers shall cease; except that if any such corporation shall have, within the time limited by this section, constructed a portion of its line of improvement, or works, and put the same or some part thereof so completed into actual operation, its corporate powers and rights under this act shall be preserved as to all of the said line of improvement or works so completed and in operation.

CHAPTER IV.

1. By executing, filing and recording a certificate as hereinafter, in sections two and three of this chapter, set forth, any number of persons, not less than three, may, under the provisions and subject to the requirements of this act, associate to incorporate a college, an alumni association, a literary society, a cemetery company, or association, a fraternal benefit association, a fraternal association, society, order or lodge, a society for the prevention of cruelty to children, a society for the prevention of cruelty to animals, a charitable or benevolent association, or social, hunting, fishing club, or any society, association, or organization of a like or similar nature, in which no capital stock is required, or to be issued: provided, however, the provisions of this section shall not be construed to authorize the incorporation of any church or religious denomination.

2. Such certificate of incorporation shall set forth:

(a) The name of the corporation, which name shall be such as to distinguish it from any other corporation chartered for similar purposes.

(b) The name of the county, city or town wherein its principal office in this State is to be located.

(c) The purposes for which it is formed.

(d) The number of trustees, directors or managers who are to manage the affairs of the same.

(e) The names of the trustees, directors or managers who are to manage its affairs for the first year of its existence.

(f) The period, if any, limited for the duration of the corporation.

(g) The amount of real estate to which its holdings at any time are to be limited.

(h) The certificate of incorporation may also contain any provisions which the incorporators may choose to insert for the regulation of its business and for the conduct of the affairs of the corporation; and any provisions creating, defining, limiting, or regulating the powers of the corporation, its trustees, directors, managers, or members: provided, such provisions be not inconsistent with this act.

3. Such certificate shall be signed by at least three persons; shall be acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds; and shall be presented in term time or in vacation to the judge of the circuit court of the county, or of the circuit, corporation or chancery court of the corporation wherein the principal office of the corporation is to be located. Such judge shall thereupon ascertain and certify thereon whether the persons signing and acknowledging the said certificate are of good moral character, and suitable and proper persons to be incorporated for the purposes set forth in the said certificate; and shall further certify whether in his opinion such certificate is signed and acknowledged in accordance with the requirements of this act, and if not, in what respects it is faulty. As soon as the certificate is so endorsed by the judge and the fee, if any, required by law to be paid to the State upon the charter shall have been duly paid, it, together with the receipt for such payment, may be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to a charter, and shall issue or refuse the same accordingly. When so issued, the certificate with all endorsements, together with the order of the State Corporation Commission, shall be certified by the said commission, as required by law, to the secretary of the Commonwealth, and by the last-named officer recorded in the charter records of his office, who shall thereupon certify the same to the clerk of the circuit court of the county, or the corporation court of the city wherein the principal office of such corporation is to be located, or to the clerk of the chancery court of the city of Richmond, when such principal office is to be located in said city, who shall likewise record the same in a book to be provided and kept for the purpose in his office; and when so recorded, the fact of such recordation shall be endorsed upon the said certificate, and the said certificate, with all endorsements thereon, shall be returned by the said clerk to the State Corporation Commission and lodged and preserved in the office of its clerk. As soon as the charter shall have been lodged for recordation in the office of the secretary of the Commonwealth, the persons who signed and acknowledged said certificate and their successors and such other persons as may be associated with them, according to the provisions of law, or of their charter, shall be a body politic and corporate by the name set forth in the said certificate; and as such shall have power to sue and be sued, to contract and be contracted with, to plead and

be impleaded in any court of law and equity; to make and use a common seal, which may be affixed by making an impression directly on the paper, and to alter or amend the same at pleasure; to appoint such officers, managers and agents and to establish such branches and auxiliaries as the business and purposes of the corporation may require; to make by-laws, rules and regulations not inconsistent with the laws of this State or of the United States for the government of the corporation and its members, and for the management of its property and the regulation of its affairs; to take and to hold, by gift, purchase, grant, devise or bequest, any property—real, personal or mixed—and the same to dispose of at pleasure: provided, however, that no such corporation shall, in its corporate capacity, hold real estate the yearly income derived from which shall exceed the sum of fifty thousand dollars. In addition, such corporation shall exercise any corporate powers necessary to the purposes above enumerated and given, and shall have all the general powers and be subject to all the general restrictions and liabilities conferred and imposed by this act, and by the general laws of this State, applicable thereto, not in conflict with this act.

4. The charter of any corporation incorporated under the provisions of this chapter, and the charter of any corporation organized at the time of the passage of this act, or thereafter organized under any charter heretofore granted by any court, or by the general assembly, and authorized to do any act, to conduct any business, or to carry on any object or purpose, permitted under section one of this chapter, may change its name, change the location of its principal office, and make such other amendments, changes or alterations of its charter as may be desired, in the manner following: The board of trustees, directors, or managers shall pass a resolution declaring that such amendment, change or alteration is advisable, and calling a meeting of the members of the corporation to take action thereon, the meeting to held upon notice by publication, at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or upon ten days' notice, given in person or by mailing it to all the members having voting powers then of record; if a majority of the members of the said corporation having voting powers shall vote in favor of such amendment, change or alteration, a certificate thereof shall be made by the president, or one of the vice-presidents, under the seal of the corporation, attested by the secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds and such certificate, and if the amendment or alteration be one in respect to which the payment of a fee to the State is imposed by law, a receipt for such payment shall be presented to the State Corporation Commission, which shall ascertain and declare whether the said applicant, by complying with the requirements of the law, is entitled to the amendment or alteration set forth in said certificate, and shall issue or refuse the same accordingly. If the same is issued the said certificate, with the endorsements thereon, together with the order thereon of the commission, shall be forthwith certified as required by law to the secretary of the Commonwealth, to be recorded by the last-named officer as provided in reference

to original certificates, and shall be certified by him to the clerk of the circuit court of the county, or the circuit, corporation or chancery court of the city in which the original certificate of incorporation is recorded; and the clerk of such court shall thereupon record the same in his office in a book provided and kept for that purpose, and shall endorse the fact of such recordation upon the said certificate and return the same to the State Corporation Commission, to be lodged and preserved in the office of its clerk. As soon as the said certificate is lodged for recordation in the office of the secretary of the Commonwealth, the original certificate of incorporation shall be deemed to be amended accordingly: provided, however, that such certificate of amendment, change or alteration shall contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, change or alteration.

5. Any corporation chartered under this chapter may sell or exchange, transfer and convey any of its property—real, personal or mixed—to promote or advance the necessary objects and purposes of such corporation, or for the purpose of reinvesting in other property, real or personal, to be devoted to its objects and purposes, and may borrow money and issue its notes and obligations therefor, and secure the payment of the same by deed of trust or mortgage, for the whole or any part of the purchase price of any real estate purchased by such corporation, or for the purpose of building or otherwise improving any real estate purchased by such corporation, or for the purpose of building or otherwise improving any real estate owned by it. Before any such corporation shall dispose of or encumber its real property, or incur any debt as hereinbefore mentioned, the same shall be sanctioned by a vote of a majority of the members of such corporation having voting power present at a meeting of the members called by its board of trustees, directors or managers for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each member of the corporation having voting power, by serving the same on him personally or by mailing it to him addressed to the postoffice nearest his place of residence as it appears on the books of the corporation, at least ten days prior to such meeting, and in such notice must be stated the time and place of the meeting and its object. If at such meeting a majority of the members having voting power present and voting shall vote in favor of disposing of such real estate, or any part thereof, or of creating such indebtedness and securing the payment of the same by deed of trust or mortgage upon its real estate, or any part thereof, then the board of trustees, directors or managers of such corporation shall be authorized and empowered to dispose of such real estate, or to create such indebtedness, and to secure the payment of the same by deed of trust or mortgage upon the real estate of such corporation, or any part thereof, and to execute and deliver, under the corporate seal of such corporation, all necessary evidences of debt, deeds, conveyances, deeds of trust, or mortgages, as may be necessary in the

premises: provided, however, that no bonds shall be issued by any such corporation until after full compliance with the provisions of article one hundred and sixty-seven of the Constitution of this State, so far as applicable; and in default thereof, any such corporation shall be subject to all the penalties prescribed in this act against corporations for issuing bonds without first having complied with the provisions of said article of the Constitution.

6. The power of making and altering by-laws shall be in the members of any such corporation having voting power, but any corporation may in its certificate of incorporation or by resolution of its members having voting power, confer the power to make and alter by-laws upon the trustees, directors or managers. By-laws made by the trustees, directors or managers under the powers so conferred may be altered or repealed by the members of such corporation having voting power.

7. Corporations created under this chapter may provide in the certificate of incorporation or by its by-laws for both active and honorary members, and may restrict the voting power at the meetings of the corporation to its active members. Each member of said corporation having voting power under its charter or by-laws shall be entitled to one vote in the meetings of the corporation.

8. Whenever the principal objects and purposes for which any such corporation was formed has failed, or the management of the corporation has been abandoned by its trustees, directors, or managers, it shall be lawful for the circuit court of the county, or the circuit or other court having jurisdiction in the city wherein the principal office of such corporation is located, sitting in chancery, to wind up and dissolve such corporation, and to make such disposition of its assets as may be just and equitable in a suit brought by a creditor or by one-fifth in number of the active members of such corporation: provided, however, that in the distribution of the assets of any such corporation the court shall, after providing for the payment of its debts, if any, if there be no organization, or person or persons equitably entitled to any such surplus, or any part thereof, direct the payment of such surplus, or any part thereof, to which there is no equitable claim as aforesaid, to be paid into the literary fund of this State.

CHAPTER V.

1. The provisions of this chapter, except in those cases where, by the express terms of the provisions hereof, it is confined to corporations created under this act, shall be construed to apply to all corporations of this State organized or to be organized for any lawful purpose for which a corporation may be created under this act, but shall not be construed to enlarge the powers of corporations chartered under chapter four of this act.

2. Every corporation of this State shall have power:

(a) To have succession for the time stated in its charter, certificate of incorporation, or articles of association. But when no period is so lim-

ited, it shall be perpetual, subject to the power of repeal reserved by the Constitution to the general assembly.

(b) To sue and be sued in any court of law or equity.

(c) To have a common seal, which it may alter, renew, or amend at its pleasure.

(d) To contract and be contracted with, to purchase, hold, and grant such real and personal estate as the purposes of the corporation shall require, and all other real estate which shall have been bona fide conveyed or mortgaged to the said corporation, or for its benefit, by way of security, or in satisfaction of debts, or purchased at sales upon judgment or decree obtained for such debts, and to mortgage or pledge, or convey by way of deed of trust, or otherwise encumber any such real or personal estate as is mentioned in this subsection, together with the franchises of such corporation, in whole or in part. The power to hold real and personal estate shall include the power to take the same by gift, devise, or bequest.

(e) To borrow money, to make and issue its bonds, payable to bearer or otherwise, and with or without interest coupons attached, or drafts or notes for the same, or for any debts or obligations incurred by it, or for any of the purposes of the corporation, and to secure the same by mortgage or deed of trust on all of its works, property, and franchises, or any part thereof.

(f) To appoint such officers and agents as the business of the corporation shall, in its opinion, require, and to fix their compensation.

(g) To make ordinances, by-laws, and regulations not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors, the division of the same, if desired, into classes; their authority and powers; the duration of the terms of its officers and directors; for the certification and transfer of its stock; for the calling and holding of meetings of its members; and generally for the government of all under its authority; for the management of its estates, and the due and orderly regulation and conduct of its affairs.

(h) If authorized so to do in its charter, certificate of incorporation, or articles of association, or in any amendment thereof, to subscribe to, purchase, or otherwise acquire, or to guarantee or to become surety in respect to the stock, bonds, or other securities and obligations of other companies.

(i) To wind up and dissolve itself, or to be wound up and dissolved in the manner provided in this act.

(j) To exercise all other powers granted to corporations by or to corporations organized under this act, and all powers conferred upon corporations by the existing laws of this State so far as not in conflict with this act, and by all acts hereafter passed amendatory thereof, or supplemental thereto.

3. No corporation created under the provisions of this act shall, by any implication or construction, be deemed to possess the power to issue bills, notes, or other evidences of debt for circulation as money.

4. No corporation created under this act shall create any bonded in-

debtedness, or increase its bonded indebtedness, to be secured by lien on any of its property or its franchises, until the creation of such bonded indebtedness or the increase of such bonded indebtedness be sanctioned by a vote in person or by proxy of a majority in amount of all the stockholders having voting power, present or represented, and voting, at a meeting of the stockholders called by the board of directors of the corporation for that purpose, of which meeting notice by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice in writing must be given to each stockholder of record by serving the same on him personally, or by mailing to him addressed to the postoffice nearest his place of residence as it appears on the stock books of the corporation at least ten days prior to such meeting; and in such notice must be stated the time and place of the meeting and its object. If at such meeting a majority in amount of all the stockholders present, or represented and voting, shall vote in favor of creating such bonded indebtedness, or of increasing such bonded indebtedness, bonds of such corporation may then be issued to the amount authorized by the vote of the stockholders, as hereinbefore provided, and the payment thereof, with the interest to accrue thereon, may be secured in such manner and upon such terms as the stockholders at such meeting may by resolution prescribe: provided, however, that no such bonds shall be issued until after full compliance with the provisions of article one hundred and sixty-seven of the Constitution of this State, so far as applicable; and in default thereof any such corporation shall be subject to all the penalties prescribed in this act against corporations for issuing bonds or stock without first having complied with the provisions of said article of the Constitution.

5. Any corporation of this State may conduct its business in this State, in other States, in the District of Columbia, in the territories and colonies of the United States, and in foreign countries; may hold meetings of its directors either within or without this State; may have offices without this State as well as within, and may hold, purchase, mortgage, and convey real and personal property without as well as within this State: provided, that its principal office shall be in this State.

6. Any incorporator may assign his interest in and rights in respect to any charter granted under this act, and he or his assigns may do, either in person or by proxy, any act or thing which he may be entitled to do under this act.

7. The annual meeting of the stockholders shall be held at such place in this State as may, from time to time, be fixed by the board of directors, on such day as may be prescribed in the charter, certificate of incorporation in the articles of association, or in some amendment thereof, or by the by-laws; or if none be so prescribed, on such day as, from time to time, may be appointed by the stockholders in meeting; or if they shall not have appointed, then by the board of directors. A meeting other than the annual meeting may be held at any time upon the call of the board of directors, or of stockholders holding together at least one-tenth of the capital stock.

At any annual or other meeting of stockholders action may be taken upon any subject which is not by this act required to be stated in the notice of the meeting, and, in addition thereto, upon any special subject which might be acted upon at a special meeting called for the purpose, when, in the last mentioned case, in the notice of such annual or other meeting, the purpose to consider and act on such special subject is stated.

In all cases, unless other notice be provided in the charter, certificate of incorporation, articles of association, or in some amendment, or by the stockholders in meeting, or by some provision of this act, notice of the time and place of such meeting, whether annual or not, shall be given by publication at least six times a week for two successive weeks in a newspaper published in or near the place where the last annual meeting was held. And in any case where notice is required before a meeting of the stockholders or of subscribers to the capital stock can be held for the purpose of organization or for any other purpose, such notice and the publication or other service thereof may be waived in writing by, or by the attendance in person or by proxy of, all the stockholders or subscribers.

8. The power of making and altering by-laws shall be in the stockholders; but any corporation may, in the certificate of incorporation, or in its articles of association, or by resolution of its stockholders, confer that power upon the directors. By-laws made by directors under powers so conferred may be altered or repealed by the stockholders.

9. Subscriptions to the capital stock of any corporation may be paid in money, land, or other property, real or personal, leases, options, mines, minerals, mineral rights, patent rights, rights of way, or other rights or easements, contracts, labor, or services; and there shall be no individual or personal liability on any subscriber beyond the obligation to comply with such terms as he may have agreed to in his contract of subscription; and any corporation may adopt such plan of financial organization and may dispose of its stock or bonds for the purposes of its incorporation at such prices, for such consideration, and on such terms and conditions as it sees fit: provided, however, that before making any issue of its stock or bonds it shall file with the State Corporation Commission a statement (verified by oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission), setting forth fully and accurately the basis or financial plan upon which such stock and bonds are to be issued; and where such basis or plan includes services or property (other than money) received or to be received by the corporation, such statement shall accurately specify and describe in the manner prescribed or permitted by the commission the services and property, together with the valuation at which the same are received, or to be received, and the judgment of the directors as to the value of such land or other property, real or personal, leases, options, mines, mineral rights, patent rights, rights of way, or other rights or easements, contracts, labor, or services, in the absence of fraud, participated in by both parties to the transaction shall be conclusive.

For any violation of this section the offending corporation shall be liable to a fine of not exceeding one thousand dollars, to be imposed and

judgment entered therefor by the State Corporation Commission, and shall be enforced by its process.

10. There shall be for every corporation a president and directors, who shall be a board to have all things done that are proper to be done by the corporation, except so far as may be otherwise provided by any law of this State, or by any by-law or regulation of the stockholders. There shall also be a secretary, and there may be also one or more assistant secretaries. The number of directors may be fixed by the charter, the certificate of incorporation, or the articles of association, or by any amendment thereof, or, in the absence of any provision in respect thereto in such charter, certificate, articles, or amendment by a by-law. Corporations chartered under chapter one shall not have less than three directors, including the president; corporations chartered under chapter two shall not have less than seven directors, including the president; corporations chartered under chapter three shall not have less than five directors, including the president; and corporations chartered under chapter four shall not have less than three trustees, directors, or managers, including the president. In all cases the president shall be a director. The directors, and where it is not otherwise provided by law, or by a by-law of the corporation, the president also, shall be elected by the stockholders in meeting. The stockholders in meeting or other appointing power, as the case may be, may remove any director or other officer elected or appointed by them respectively, and fill the vacancy caused by such removal; but unless so removed the directors and other officers shall continue in office until the expiration of the period for which they were respectively elected or appointed, and until their successors are elected or appointed. The directors may fill any vacancy which may occur in the office of president or director otherwise than by removal. Should the board of directors be at any time reduced below the number necessary to hold a meeting of the board, the stockholders or other appointing power may fill the vacancies.

11. A corporation may have one or more vice-presidents and such other officers and agents in addition to those mentioned in the preceding section as the said corporation shall see fit.

12. By so providing in the charter, certificate of incorporation, or articles of association, or in an amendment, any corporation may classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms: provided, that no class shall be elected for a shorter period than one, nor for a longer period than five years; and that the term of office of at least one class shall expire in each year. Any corporation which shall have more than one kind of stock may, by so providing in its charter, certificate of incorporation, or articles of association, or in an amendment, confer the right to choose the directors of any class upon stockholders of any class or classes, to the exclusion of others.

13. Every corporation shall have power to create two or more kinds of stock, of such classes, with such designations, preferences, and voting powers, or restrictions or qualifications thereof, as shall be stated and expressed in the charter, certificate of incorporation, or articles of asso-

ciation, or in any amendment thereof; and the power to increase or decrease the stock, as in this act elsewhere provided, shall apply to all or any of the classes of stock. Any preferred stock that may be issued may, if desired, be made subject to redemption at any time after three years from the issue thereof at a price not less than par, and the holders thereof shall be entitled to receive and the corporation bound to pay thereon dividends at such rates and on such conditions as shall be stated in its charter, or any amendment thereof, or in the original or amended certificate of incorporation, or articles of association, or in an amendment thereof; and such dividends may be made payable before any dividends shall be set apart or paid on the common stock, and such dividends may be made cumulative.

14. Every stockholder shall be entitled to a certificate, or certificates, signed by the president, or one of the vice-presidents, if any, and the treasurer, or by any two officers of the corporation thereto authorized by the board of directors, certifying the number of shares owned by him in such corporation.

15. The shares of stock in every corporation shall be personal property, and shall be transferable on the books of the corporation in such manner and under such regulations as the by-laws may provide.

16. Absent stockholders may vote at all meetings of the stockholders by proxy in writing.

17. Every corporation created under this act may determine by its certificate of incorporation or articles of association, or an amendment thereof, or by its by-laws, the manner of calling and conducting all meetings; what notice thereof shall be given, and in what manner; what number of shares shall entitle the stockholders to one or more votes; and may, by its original or amended certificate of incorporation, or articles of association, provide that any action which, at the time, requires the consent of the holders of two-thirds of the stock at any meeting, or requires their consent in a writing to be filed, shall require the consent of the holders of two-thirds of the stock of each class, represented at a meeting in person or by proxy, or given in a writing to be filed: provided, a majority in interest of the stock having voting power, represented either in person or by proxy at any meeting, shall constitute a quorum.

18. Transfer books shall be kept by the corporation, or by one or more transfer agents appointed by it, in which shares shall be transferred under such regulations as may be prescribed by the by-laws. Such transfer books shall be closed by order of the board of directors for not exceeding thirty days next preceding any stockholders' meeting.

19. The certificate of incorporation, or articles of association, original or amended, of any corporation created under this act may provide that at all elections of directors each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director, or may distribute them among the number to be voted for, or any two or more of them, as he may see fit, which right, when exercised, shall be termed cumulative voting.

20. Unless it shall have been otherwise provided in the charter, certifi-

cate of incorporation, or in the articles of association, or in an amendment or by-law, each person in whose name stock shall stand upon the books of any corporation at any date fixed by the by-laws as prescribed by section eighteen of this chapter shall be entitled to one vote in person or by proxy for each share of stock appearing in his name on said books.

21. The right of any person holding stock in a representative or, in a fiduciary capacity, to represent such stock at meetings of any corporation, and to vote thereon, shall be as provided by any agreement heretofore or hereafter made between such person and the beneficial owner concerning such stock, or the right to vote thereon: provided, such agreement or a copy thereof shall have been furnished to the corporation.

22. As between the pledgor and the pledgee of capital stock pledged to secure a specific loan with a fixed period or periods of maturity, the right to vote shall be determined as follows:

(a) By the written agreement of the pledgor and pledgee.

(b) In all other instances the pledgor shall be held to be the owner and entitled to the right to vote.

23. Shares of stock of a corporation belonging to it shall not be voted, directly or indirectly.

24. If the election for directors of a corporation shall not be held on the day designated therefor by the charter, certificate of incorporation, or articles of association, original or amended, or by the by-laws, the directors shall cause the election to be held as soon thereafter as may be; and no failure to elect directors at the designated time shall work any forfeiture or dissolution of the corporation; but the judge of the circuit court of the county, or the circuit, corporation or chancery court of the city wherein the principal office in this State of such corporation is situated, may, in term time or in vacation, order an election to be held, upon the application of any stockholder, and may take the necessary steps to call a meeting for that purpose.

25. Any stockholders who may be aggrieved by, or complain of, any election for directors, or of any proceeding, act, or matter touching the same, may, after giving reasonable notice to the corporation and to any person who is to be affected thereby, otherwise than as a stockholder only, make application by petition to the judge of the circuit court of the county, or of the circuit, corporation, or chancery court of the city wherein the principal office in this State of such corporation is located, in term time or vacation, and the said judge shall proceed forthwith, and in a summary way, to hear the allegations and proofs introduced by the parties, or otherwise inquire into the matter, or causes of complaint, and thereupon establish the election so complained of, or order a new election, or make such order and give such relief in the premises as right and justice may require. Pending the hearing and determination of an application to investigate an election of directors, the judge may, by order, restrain the persons claiming to have been elected directors from exercising any of the functions or duties of the office.

26. If the directors or officers of any corporation shall wilfully and fraudulently cause to be published, or give out, any statement or report of the condition or business of the corporation that is known to them

to be false in any material respect, the officers and directors so causing such report or statement to be published, or given out, shall be jointly and severally liable for any loss or damage resulting to any person or corporation therefrom.

27. No corporation organized under this act shall be permitted to set up or rely upon any irregularity or illegality in the organization as a defense to any action against it; nor shall any person transacting business with such corporation, or sued for a debt due to it, or for an injury done to its property, be permitted to rely upon such want of legal organization as a defense.

28. When any stockholder fails to pay any instalment or call upon his stock which may have been properly assessed thereon by the directors, in accordance with his contract of subscription, at the time when such payment is due, the directors may collect the amount of such instalments or call, or any balance thereof remaining unpaid, from the said stockholder by an action at law, or they may sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively, once in each week before the sale, in a newspaper of the county or city in this State where the principal office of the corporation is located, and such notice shall be mailed by the treasurer of the corporation to such delinquent stockholder at his last known postoffice address at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within the county or city where the principal office of the corporation is located, within one year from the date of the bringing such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.

29. Every corporation organized under and pursuant to the provisions of this act may make suitable provision in its certificate or articles of incorporation, original or amended, and thereby to the extent, in the manner, and subject to the conditions provided in the certificate or articles of incorporation, original or amended, confer upon the holders of any bonds or debentures, issued or to be issued by any such corporation, whether secured by mortgage or otherwise, the power to vote in respect to the corporate affairs and management of the corporation, to the extent and in the manner provided in the certificate or articles of incorporation, original or amended: provided, such voting power shall not be diminished as to any such bonds or debentures after the same are issued and while they are still outstanding; and in case of default in the payment of the principal or interest on said bonds or otherwise, or in any other case, confer upon such bondholders the same right of inspection of the corporate books, accounts, and records of any such corporation, and also any other rights which the stockholders of the said corporation have or may have by reason of the provisions of the certificate or articles of incorporation, original or amended.

30. All corporations, whether they expire by their own limitation or are otherwise dissolved, shall, nevertheless, be continued for such length of time as may be necessary from such dissolution or expiration for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital, but not for the purpose of continuing the business for which said corporation shall have been established.

31. Upon the dissolution of any corporation under the provisions of this act the directors or other governing body, by whatever name it may be known, unless action to the contrary be taken as provided in section thirty-two, shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, sell and cause to be conveyed property, real and personal, and divide the money and other property among the stockholders, according to their respective rights, after paying its debts.

32. When any corporation organized under this act shall be dissolved in any manner whatever, the circuit court of the county, or the circuit, corporation, or other court having equitable jurisdiction in the city where its principal office is located, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors, trustees as aforesaid, or appoint one or more persons to be receiver or receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation or otherwise, all such suits as may be necessary or proper for the purpose aforesaid, and to appoint an agent or agents under him or them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the court shall think necessary for the purposes aforesaid.

The court shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue such injunctions therein as justice and equity shall require.

33. The said trustees or receivers, after payment of all allowances, expenses, and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto as having been stockholders of the corporation, or their legal representatives.

34. If any corporation organized under this act becomes dissolved by the expiration of its charter or otherwise before final judgment obtained in any action pending or commenced in any court of record of this State

against any such corporation, the said action shall not abate by reason thereof, but the said action shall proceed to final judgment against such corporation, notwithstanding such dissolution.

35. No suit shall be brought against any director of a corporation for any liability imposed by the provisions of this act unless the same shall be brought within two years after such right of action shall accrue.

36. If the franchises and property of any corporation formed under the provisions of this act, or existing under the laws of this State, are sold under any deed of trust or mortgage, or by virtue of the judgment or decree of any court, to an individual or individuals, the person or persons who may become the purchaser or purchasers of the franchise and property of such corporation at any such sale may organize a corporation for continuing the operation and management of the same; and such corporation when organized shall have the same rights, privileges, and franchises as have been granted to or acquired by the corporation whose franchises and property have been purchased as aforesaid; and shall be subject to all the limitations, restrictions, and liabilities imposed upon the said corporation; and, in addition thereto, shall be subject to all the provisions of this act. Such corporation may be formed by a certificate of incorporation, or articles of association, executed by the purchaser or purchasers, and his or their associates, which shall set forth:

(a) The name of the proposed corporation.

(b) The place where its principal office is to be located.

(c) The names of the officers and directors who, unless sooner removed by the stockholders, are to manage the affairs of the corporation for the first year. The number of such directors shall not be less than required of the corporation whose franchises and property have been so purchased as aforesaid.

(d) The description of the property sold, and the date of the deed of trust, mortgage, judgment, or decree under which the sale was made.

(e) The amount paid or to be paid on said franchises and property, and to whom and by whom.

(f) Such other statements as may be deemed necessary by the purchaser or purchasers, and his or their associates.

The certificate of incorporation or articles of association aforesaid shall be signed by the purchaser or purchasers, and his or their associates, if any; acknowledged by the person or persons signing the same before an officer authorized to take acknowledgments of deeds, and presented to the State Corporation Commission, with a receipt for the payment of the fee imposed, if any, by this State upon the filing of any such certificate or articles of association, and shall be issued, certified, recorded, and lodged in the manner in this act before provided as to the issuing, certification, recordation, and lodging of the original certificate of incorporation or articles of association of the corporation whose franchises and property are so sold as aforesaid; and when such certificate shall be filed for recordation in the office required as to original certificates of incorporation or articles of association, as the case may be, the corporation shall be deemed to be organized, and shall have all the rights, powers, and privileges, and be subject to all the restrictions, limi-

tations, and liabilities of other similar corporations organized under this act.

37. Every corporation organized under this act may issue a new certificate of stock in the place of any certificate theretofore issued by it alleged to have been lost or destroyed, and the directors may, in their discretion, require the owner of the lost or destroyed certificate, or his legal representatives, to give the corporation bond in such sum as they may direct, not exceeding double the value of the stock, to indemnify the corporation against any claim that may be made against it on account of the alleged loss of any such certificate; a new certificate may be issued without requiring any bond when, in the judgment of the directors, it is proper so to do, and when any such corporation shall have refused to issue a new certificate of stock in the place of one theretofore issued by it, or issued by any corporation of which it is the lawful successor (if the legal obligation rests upon such successor corporation to issue such certificate) alleged to have been lost or destroyed, the owner of the lost or destroyed certificate, or his legal representatives, may apply to the circuit court of the county, or the corporation or chancery court of the city in which the principal office of the corporation is located for an order requiring the corporation to show cause why it should not issue a new certificate of stock in place of the one so lost or destroyed; such application shall be by petition duly verified, in which shall be stated the name of the corporation; the number and date of the certificate, if known or ascertainable by the petitioner; the number of shares of stock named therein, and to whom issued; and a statement of the circumstances, as near as may be, attending such loss or destruction; thereupon the said court shall make an order requiring the corporation to show cause, at a certain time and place therein mentioned, why it should not issue a new certificate of stock in the place of the one described in the petition; a copy of the petition or order shall be served upon the president, or other head officer of the corporation, or on the cashier, secretary, treasurer, or any director thereof, personally, or left at the principal office or place of business of the corporation in this State, at least five days before the time designated in the order requiring such corporation to show cause.

38. At the time and place specified in the order and on proof of service thereof the court shall proceed to hear the proofs and allegations in behalf of the parties in interest relative to the subject matter of inquiry, and if upon such hearing the court shall be satisfied that the petitioner is the lawful owner of the number of shares of capital stock, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed, and cannot be found, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares of the capital stock of the corporation which shall be specified in the order as owned by the petitioner, and the certificate for which shall have been lost or destroyed; in making the order the court shall direct that the petitioner file such bond, in such penalty and form, and with such security, as to the court shall appear

sufficient, to indemnify any person who shall thereafter appear to be the lawful owner of such certificate, stated to be lost or stolen. Any person who shall thereafter claim any rights under the certificate so lost or destroyed shall have recourse to said indemnity, and the corporation shall be discharged from all liability to such person by reason of compliance with the order of the court; and obedience to said order may be enforced by the court by attachment against the officers of the corporation on proof of their refusal to comply with the same.

39. Every domestic corporation and every foreign corporation doing business within this State shall file in the office of the State Corporation Commission, after the first election of officers and directors, and annually thereafter, within thirty days after the time appointed for holding the annual election of directors, a report authenticated by the signatures of the president or one of the vice-presidents and secretary of the corporation stating:

- (a) The name of the corporation.
- (b) The location (county or city, street and number, if any there be) of its principal office in this State, and the name of the agent upon whom process against the corporation may be served.
- (c) The character of its business.
- (d) The amount of its authorized capital stock, if any, and the amount actually issued and outstanding.
- (e) The names and addresses of the officers and directors of the corporation, and when their respective terms of office expire.
- (f) The date, if any, appointed for the next annual meeting of the stockholders.

If such report is not made and so filed, the corporation shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be imposed and judgment entered therefor by the State Corporation Commission, and enforced by its process.

40. Except as any merger or consolidation is prohibited by subsection (e) of section two of chapter two, and by subsection (e) of section two of chapter three of this act, any corporation organized, or to be organized, under any law, or laws, of this State may merge or consolidate into a single corporation with any other corporation organized for the purpose of carrying on the same or a similar business under the laws of this or any other State of the United States, which said consolidated corporation shall, upon the payment of a proper charter fee, thereby become a domestic corporation of this State and be subject to its laws, and to the jurisdiction of its courts, and may be either one of said merging or consolidating corporations, or a new corporation to be formed by means of such merger or consolidation, so that by virtue of this act, and the proceedings had pursuant thereto, such corporations shall be consolidated and merged, so that all the property, rights, franchises, and privileges by law vested in such corporation so merged or consolidated shall be transferred to and vested in the corporation into which such consolidation or merger shall be made.

41. Such consolidation or merger shall be made in the following man-

ner and under the conditions, provisions, restrictions, and with the powers following, that is to say:

(a) The boards of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement under the corporate seals of their respective corporations for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation (if it be proposed to form a new one), or of the merged or consolidated corporation, as the case may be; the number, names, and places of residence of the directors, and principal officers of such new or consolidated corporation (who shall hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation); the aggregate principal amount and the rate of interest of the bonds, if any, and the number of shares of the capital stock, with the par value of each share proposed to be issued in connection with such merger or consolidation by such new or consolidated corporation, and if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such new or consolidated corporation, and, in case of the creation of a new corporation, how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed; together with all such other provisions and details as to the board of directors entering into said agreement shall seem necessary or convenient to perfect the merger or consolidation of said corporations.

(b) The agreement shall be submitted to the stockholders of each of said merging or consolidating corporations separately, at a meeting thereof to be called for the purpose of taking the same into consideration; of the time, place, and general object, of which meeting due notice shall be given by publication at least six times a week, for two successive weeks, in a newspaper published in or near the place where the principal office in this State of the corporation is located, and by mailing a copy of such notice at least ten days prior to such meeting to the last known postoffice address of each of the stockholders of record; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of said agreement, consolidation, and merger, then that fact shall be certified by the president, or one of the vice-presidents of the corporation, under the corporate seal, attested by the secretary, and said certificates, duly acknowledged by the president or vice-president signing the same, and by the secretary of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be presented to the State Corporation Commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to the merger or con-

solidation applied for, and shall issue or refuse a certificate thereof accordingly; if it be issued, the said agreement and certificate, with the order thereon of the commission, shall be certified by the commission to the secretary of the Commonwealth, and shall be recorded and lodged in the manner in this act before provided as to the recordation and lodging of the original certificate of incorporation or articles of association, of the corporations so consolidating, and when such certificate shall be filed for recordation in the office required as to original certificates of incorporation, or articles of association, as the case may be, the said merger or consolidation shall be complete and the merged or consolidated corporation may proceed to carry out the details of said merger and consolidation according to the terms of the agreement and to transact and carry on the business for which it was formed: provided, however, that no stock or bonds shall be issued by such merged or consolidated corporation until the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto, shall have been complied with; and provided further, that if any stockholder of either of the corporations so consolidated or merged, who shall not have given assent thereto, and who shall be dissatisfied therewith, shall signify such dissent by notice in writing, served on the president, secretary or treasurer, either within or without this State, of such merged or consolidated corporation, at any time within three months after the said meeting of his corporation to act thereon, he shall receive from such merged or consolidated corporation the fair cash value of his stock as of the day before the vote for the agreement or consolidation of his corporation was so cast as aforesaid, which, if not agreed on, shall be appraised by three disinterested persons, resident in this State, appointed by the circuit judge of the county or corporation wherein the principal office of the corporation of such dissatisfied stockholder is located, and it shall be the duty of said judge to make such appointment on reasonable notice, on the application of either party; and upon the payment of the agreed value of such stock, or of the value so ascertained, such stockholder shall deliver up his certificate of stock, if any such has been issued, and, if none such has been issued, shall make a due assignment to the merged or consolidated corporation of all his rights in respect thereto; and the merged or consolidated corporation may thereafter, in lieu thereof re-issue the same amount of stock to any other person or persons. In case the agreed value, or the value ascertained as hereinbefore provided, shall not be paid to such stockholder within thirty days from the time when the same is so agreed upon or ascertained, or if he has not agreed thereon and be dissatisfied therewith, the stockholder may, upon reasonable notice to the corporation, apply to the said judge, in term time or vacation, to set aside or confirm the agreement or finding as to said value, and the judge, if of the opinion that the valuation is not just, may set the same aside and appoint three other disinterested persons, resident in this State, to make such valuation, whose finding thereon shall be final; but if of the opinion that the said valuation is just, he shall confirm the same, and the amount thereof, or,

in case a second appointment shall have been made by the judge, the amount found by such second appraisers shall immediately become and be a judgment of the court over which said judge presides against the said merged or consolidated corporation, and may be collected as other judgments of a court of competent jurisdiction are by law recoverable, except that either party shall have the right to present a petition for a writ of error from said judgment in the same manner and according to the same rules as petitions for writs of error may be presented from other judgments of the court. The finding of a majority of such appraisers shall stand as the action of the appraisers: provided, that in all cases where statutes of this State now in force and effect authorize the union or consolidation and merger of the stock, property, and franchises of any corporation of this or any other State with and into the stock, property, and franchises of any other corporation or corporations of this or any other State, and provided that such union or consolidation and merger shall be taken and deemed complete so soon as the agreement thereof is filed in the office of the board of public works, that such agreement shall be filed in the office of the State Corporation Commission, and when so filed shall have the same force and effect as if the same had been filed in the office of the board of public works.

42. Upon the perfecting, as aforesaid, of the said merger or consolidation, the several corporations parties thereto shall be deemed and taken as one corporation, upon the terms and conditions and subject to the restrictions set forth in said agreement, and all and singular the rights, privileges, and franchises of each of said corporations, parties to the same, except as restricted by this act, and all property, real and personal, and all debts due on whatever account, as well of stock subscriptions as other things in action, belonging to each of such corporations, shall be taken and deemed as transferred to and vested in such new corporation without further act or deed; and all property, all rights of way, and all and every other interest shall be as effectually the property of the new corporation as they were of the former corporations parties to the said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State vested in either corporation, shall not be deemed to revert or be in any way impaired by reason of this act: provided, however, that the rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired; and the respective corporations shall be deemed to continue in existence to preserve the same; and all debts, liabilities, and duties of either of said companies shall thenceforth attach to said new corporation and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or contracted by it.

43. Such new corporation shall, as soon as convenient, after such merger or consolidation, establish a principal office in this State, giving public notice thereof in some newspaper published in the city of Richmond, and filing a memorandum thereof in the clerk's office of the State Corporation Commission.

44. Suits may be brought and maintained against such new corporation in any of the courts of this State in the same manner as against any other corporation formed under this act.

45. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment as if such consolidation had not taken place, or the new corporation may be substituted in its place.

46. In all cases of merger or consolidation of two or more corporations under and by virtue of the provisions of this act, the said merged or consolidated corporation shall, in addition to the rights, privileges, and franchises referred to in section forty-two of this chapter, have all the powers, and except as otherwise provided in said section, be subject to all the restrictions imposed upon corporations of the same class formed under this act; and said merged or consolidated corporation shall be empowered to do and perform any and all things necessary to carry out and perform the agreement of merger or consolidation in the way of issuing bonds and other evidences of debt, and securing the payment thereof by mortgage or deed of trust on all its works, property, and franchises, or any part thereof, of issuing stock, or otherwise: provided, however, that no such stock or bonds shall be issued until after full compliance with the provisions of article one hundred and sixty-seven of the Constitution of this State, so far as applicable; and in default thereof, shall be subject to all the penalties heretofore in this act denounced against corporations for issuing bonds or stock without first having complied with the provisions of the said article of the Constitution. Nothing in this act contained shall be construed to prevent the merged or consolidated corporation from thereafter issuing bonds, entering into obligations, securing the same by deed of trust or otherwise, or from issuing stock in the same manner and to the same extent as any other corporation organized under this act shall or may have power to do.

47. Any railroad corporation of this State, now existing, or that may hereafter be organized, shall have power, when authorized by its board of directors, to guarantee or to become surety in respect of bonds or other obligations, or either, of other corporations (whether incorporated within or without this State), organized for the purpose or having the power, either by ownership of stock or otherwise, to own or to become interested in, or to carry on a transportation business by land or by water, or other business from which such railroad corporation shall seek to derive traffic.

48. Whenever under any provision of this act any acknowledgment may be taken before an officer authorized by the laws of this State to take acknowledgments of deeds, such acknowledgment may be taken and certified either within or without this State. No acknowledgment of any deed, mortgage, or other writing made by any corporation, whether of this or any other State or country, shall be invalid because taken and certified by an officer or employee or stockholder of any corporation named therein as grantor or grantee or of any corporation otherwise interested: provided, such officer or employee or stockholder is a

person authorized by the laws of this State to take acknowledgments of deeds.

49. Whenever not otherwise expressly provided in this act, any notice required by this act or by any regulation or by-law of a corporation to be given by mail, shall be considered as duly given if the same be mailed to the person entitled to such notice at his postoffice address of record with the corporation. Every stockholder of any corporation shall furnish to the secretary of such corporation, from time to time, over his signature, the address to which notice to him of every kind may be mailed. The secretary of every corporation shall keep a register of the address of each stockholder so furnished him, and make all proper changes in such register, retaining and filing his authority for all such entries. If any stockholder shall fail or decline to furnish his address to the secretary as provided by this section, then it shall not be necessary to mail to him any notice required by this act.

50. A copy of the certificate of incorporation of any corporation incorporated under this act upon a certificate of incorporation and of the endorsements and order thereon, or of any supplemental certificates and of the endorsements and order on such supplemental certificate, or of any proceedings had under this act in respect to any alteration, amendment or extension of any character required to be recorded in the clerk's office of a court, or a copy of the articles of association of any corporation incorporated under this act upon articles of association and of the endorsements and order thereon, or of any supplemental articles and of the endorsements and order thereon, or of any proceedings had under this act in respect to any alteration, amendment, or extension of any charter, or in respect to the merger or consolidation of any corporations not required by this act to be recorded in the clerk's office of a court, duly certified by the secretary of the Commonwealth under the seal of the State, shall be evidence in any court of this State of the statements therein made, and of the due incorporation of the corporation, or of the due alteration, amendment or extension of the charter, or of the due merger and consolidation of the corporations which were parties to such merger or consolidation, as the case may be.

51. Any corporation which shall wilfully fail to use any of its essential functions for the period of two years, or which shall wilfully and habitually misuse any essential corporate function, shall thereby forfeit its charter, and proceedings to declare the same forfeited may be had on the motion of the attorney-general in the name of the Commonwealth in any circuit court of this State having jurisdiction over the county or city in which the principal office in this State of such corporation is located. An appeal to the supreme court of appeals may be had from the findings of such court at the instance of either party, and the method of applying for and prosecuting the same, in so far as not fixed by law, shall be prescribed by the rules of the supreme court of appeals.

52. No corporation shall take by condemnation proceedings any property belonging to any other corporation possessing the power of eminent domain, unless, after hearing all parties in interest, the State

Corporation Commission shall certify that a public necessity or that an essential public convenience shall so require, and shall give its permission thereto; and in no event shall one corporation take by condemnation proceedings any property owned by and essential to the purposes of another corporation possessing the power of eminent domain.

53. An appeal shall lie at the instance of the applicants before the State Corporation Commission from said commission to the supreme court of appeals in respect to any action of the said commission under this act, and such an appeal shall also lie from any action of said commission under section fifty-two of this chapter at the instance of any party in interest. The method of taking and prosecuting such appeal in so far as not fixed by law shall be prescribed by the rules of the supreme court of appeals.

54. All laws of a general nature in relation to railroads or other corporations now in force in this State, so far as they are not inconsistent with the provisions of this act, shall remain in force and be applicable as well to the corporations of the same class organized under this act; and any such corporation incorporated by special charter and now existing may accept the provisions of this act and reorganize under the same without impairing any rights or privileges under its original act of incorporation, except in so far as provided otherwise in the Constitution of the State.

55. No charter shall be issued under this act, nor any amendment of any charter be made hereunder, until the fees prescribed by the existing statutes of the State, or such as may hereafter be imposed by the State, shall have been duly paid.

56. The clerks of the courts of this Commonwealth, and the secretary of the Commonwealth, shall each be entitled to receive from the persons constituting any such corporation, at the time of performing the service for filing the papers and for all entries or records made in relation thereto, or copies thereof, double the fees provided by law for similar services in regard to deeds in any of the courts of this Commonwealth.

57. No stock shall be assigned on the books without the consent of the corporation until all the money which has become payable thereon under the subscription agreement has been paid; and on any such assignment so consented to, the assignor shall be no longer liable, but the assignee shall be liable for any instalments which have accrued, or which may thereafter accrue, under the subscription agreement, and may be proceeded against in the manner provided by section twenty-eight of this chapter.

58. A person in whose name shares of stock stand on the books of the corporation shall be deemed the owner thereof, as regards the corporation; but the right to vote thereon shall be as prescribed in sections twenty, twenty-one, and twenty-two of this chapter.

59. If any person shall, for a valuable consideration, sell, pledge, or otherwise dispose of any of his shares of stock to another, and deliver to him the certificate for such shares, with a power of attorney authorizing the transfer of the same on the books of the corporation, the title of

the former (both at law and in equity) shall vest in the latter, so far as may be necessary, to effect the purpose of the sale, pledge or other disposition, not only as between the parties themselves, but also as against the creditors of, and subsequent purchasers from, the former; subject, however, to the provisions of sections fifty-seven and fifty-eight of this chapter.

60. If the board declare a dividend out of any part of the capital stock of the corporation, all the members of the board who shall be present and know that such dividend is declared out of the capital stock, and not dissent therefrom, shall, in their individual capacity, be jointly and severally liable to the corporation's creditors for the amount of capital so divided, and may be proceeded against therefor on a bill in equity filed on behalf of such creditors; and, moreover, each stockholder who participates in such dividend shall be liable to such creditors to the extent of the capital stock so received by him.

61. This act, or any part thereof, may be amended or repealed at the pleasure of the general assembly; and every corporation created under this act shall be bound by such amendments; but such amendment or repeal shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred; this act and all amendments thereof shall be a part of the charter of every corporation formed hereunder, except so far as the same are inapplicable and inappropriate to the objects of such corporation.

62. All acts and parts of acts inconsistent herewith are hereby repealed; but such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred, prior to the passage of this act under or by virtue of any law so repealed, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed. All actions and proceedings, civil or criminal, commenced under or by virtue of any law so repealed and pending at the date of the passage of this act may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law. Nothing in this act contained shall be construed to impair the charter of any corporation existing at the date of the passage of this act, or any right or liability which any existing corporation, its officers, directors, stockholders, or creditors may have or be subject to or which any such corporation had, or was subject to at the date of the passage of this act by virtue of any act of the general assembly creating such corporation, or creating or defining any such right or liability.

63. Any railroad corporation in an adjoining State owning or authorized to purchase, lease or to construct, maintain, and operate a railroad or branch thereof, to or near the boundary line of this State, may extend its line or any branch thereof into this State, with the assent of the State Corporation Commission of this State first had and obtained, and such extension may pass out of this State into such other adjoining State and back again into this State as often as may be neces-

sary, and on such terms and conditions as may be approved and provided by the State Corporation Commission, and the rights, powers, duties, and restrictions of any such corporation, in the construction, maintenance, and operation of such parts of its road within this State shall be the same as if such railroad corporation were a corporation of this State, created or empowered under this act: provided, however, that as to the part or parts of its road in this State, such railroad company shall be deemed a domestic corporation of Virginia, and shall be subject to all the obligations and duties and entitled to all the powers and privileges imposed and granted by the Constitution and laws of Virginia applicable to railroad companies.

64. This act shall be in force from and after its passage.

CHAP. 271.—An ACT to amend and re-enact section 50 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903.

Approved May 13, 1903.

1. Be it enacted by the general assembly of Virginia, That section fifty of an act entitled "an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution," approved April sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 50. Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or actually sell or barter the same, shall be deemed to be a peddler, and any person licensed as a peddler may sell any personal property a merchant may sell, or he may exchange the same for other articles; and whenever a license is granted to a peddler to sell such goods, wares, or merchandise his license shall be valid for one year from date of its issue. Said license shall not be transferable, and any person so licensed shall endorse his name on the said license, and such license shall confer authority to sell at any house or place within the county or city in which the license was granted. Any peddler who shall peddle for sale or sell or barter without a license shall pay a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, one-half of which shall go to the informer; and any person selling or offering to sell as a peddler shall exhibit his license on demand of any citizen of the county, city or town in which he sells or offers to sell or barter; and upon his failure or refusal to do so he shall be subject to the penalties of peddling without a license. This section shall be construed to include persons engaged in peddling lightning rods. All persons who do not keep a regular place of business (whether it be in a house, on a vacant lot, or elsewhere), open at all times in regular business hours, and at the same place, who shall offer for sale goods, wares, and

merchandise, shall be deemed peddlers under this act. And all persons who keep a regular place of business open at all times in regular business hours, and at the same place, and who shall personally, or through their agents, offer for sale or sell, and at the time of such offering or sale, deliver goods, wares, and merchandise, elsewhere than at such regular place of business, shall also be deemed peddlers as above; but this section shall not apply to those who sell or offer for sale, in person or by their employees, ice, fuel, meats, fowls, fish, game, vegetables, fruits, or other family supplies of a perishable nature grown or produced by them; nor to merchants who keep a regular place of business open at all times in regular business hours and at the same place, without a city or town, who shall sell such articles to merchants only residing and doing business in a city or town.

2. This act shall take effect from its passage.

CHAP. 272.—An ACT to allow a manufacturer of wines who shall have a manufactory in any county, district, or corporation which may vote or has voted against liquor license therein, to sell therein such wines, provided delivery thereof be made to a common carrier to be transported out of such county, district, or corporation.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the manufacturer of wines who shall have a manufactory in any county, district, or corporation which may vote or has voted against liquor license therein as provided by law, to sell such wines in such county, district, or corporation in quantities of not less than five gallons or one dozen bottles, provided delivery be made of the wines so sold to a common carrier to be transported out of such county, district, or corporation, and that it shall be lawful for such a manufacturer to obtain a license to so sell, should a license be required of such a manufacturer: provided, further, that nothing contained in this act shall be construed as repealing any special law now in force in any county, district, or corporation, applicable to the manufacture or sale of wine, malt liquor, ardent spirits, or any mixture thereof.

2. This act shall be in force from its passage.

CHAP. 273.—An ACT to amend and re-enact section 16 of an act of the general assembly of Virginia, approved March 6, 1900, entitled an act to establish a dispensary for the sale of intoxicating liquors in Franklin magisterial district, Southampton county, Virginia, to prohibit all persons, firms, and corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said district.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixteen of an act of the general assembly of Virginia, approved March sixth,

nineteen hundred, entitled "an act to establish a dispensary for the sale of intoxicating liquors in Franklin magisterial district, Southampton county, Virginia, to prohibit all persons, firms, corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said magisterial district," be amended and re-enacted so as to read as follows:

§ 16. The net profits accruing from this dispensary shall be disposed of in the following manner: One-eighth to the State of Virginia, three-eighths to the town of Franklin for its general purposes, three-eighths to the town of Franklin for the support of its public schools, and one-eighth for the public schools of Franklin magisterial district. Such distribution shall be made when ordered by said board, and at least once a year.

2. This act shall be in force from its passage.

CHAP. 274.—An ACT to amend and re-enact section 19 of an act approved March 4, 1896, entitled "an act to amend and re-enact an act entitled an act to provide for a method of voting by ballot, approved March 6, 1894," and to repeal section 20 of said act.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That section nineteen of an act approved March fourth, eighteen hundred and ninety-six, entitled "an act to amend and re-enact an act entitled an act to provide for a method of voting by ballot, approved March sixth, eighteen hundred and ninety-four," be amended and re-enacted so as to read as follows:

§ 19. Elections in towns; other elections.—The provisions of this act shall apply to all elections held in this State. Where the election is held in an incorporated town for town officers, it shall be the duty of all persons who intend to be candidates for office in said town to give notice of said candidacy to the county clerk of the county in which said town is, as provided by the fifth section of this act, and said clerk shall notify the electoral board, and the tickets shall be printed and delivered, and the election held and conducted in the manner provided by this act. Where the election is to be held to ascertain the sense of the qualified voters of this State, or of any county, city, town, or district of any county, upon any question submitted to them by law, it shall be the duty of the electoral board of the county or city, or of the county in which said town or district is, as the case may be, to have the words printed upon the tickets directed by the law submitting said question; but in all other respects said elections shall conform to the provisions of this act.

2. That section twenty of said act be, and the same is, hereby repealed.

3. This act shall be in force from its passage.

CHAP. 275.—An ACT to amend and re-enact an act approved January 26, 1903, entitled an act to allow the board of supervisors of the county of Campbell to purchase the Lynchburg and Campbell Courthouse turnpike, and to operate the same as a turnpike, or in its discretion convert it into a public road, allowing said board out of the county levy to maintain said road as a public road.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter forty-four of the acts of nineteen hundred and two-nineteen hundred and three, entitled an act to allow the board of supervisors of the county of Campbell to purchase the Lynchburg and Campbell courthouse turnpike, and to operate the same as a turnpike, or in its discretion convert it into a public road, be, and the same hereby is, amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Campbell county be, and it hereby is, authorized and empowered in its discretion to purchase or otherwise legally acquire, on behalf of said county, that certain road within said county known as the Lynchburg and Campbell courthouse turnpike and all franchises and appurtenances thereto belonging, and said board is authorized and empowered to operate said road as a turnpike, or, in its discretion, to establish the same as a public road, to be kept in order out of the county levy and not out of the road fund of the respective districts through which the said road passes.

2. This act shall be in force from its passage.

CHAP. 276.—An ACT to amend and re-enact sections 4 and 11 of an act entitled an act to incorporate the town of Hampton, in Elizabeth City county, Virginia, approved May 23, 1887, as amended by an act entitled an act to amend and re-enact sections 3 and 4 of the charter of the town of Hampton, approved March 3, 1898.

Approved May 15, 1903.

1. Be it enacted by the general assembly of Virginia, That sections four, as amended by an act of the general assembly, approved March third, eighteen hundred and ninety-eight, and eleven of an act entitled an act to incorporate the town of Hampton, in Elizabeth City county, Virginia, approved May twenty-third, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 4. There shall be elected on the second Tuesday in June, nineteen hundred and three, and every two years thereafter, two electors from each ward, who shall be denominated the councilmen of the said town, and there shall also at the same time be chosen by the electors of the said town of Hampton a mayor for the said town, who shall be an elector thereof.

The mayor and the councilmen shall constitute the council of the said town; they shall enter upon their duties of their respective offices on the first day of September next succeeding their elections, and shall continue in office until their successors are elected and qualified.

§ 11. There shall be elected by the qualified voters of the said town on the second Tuesday in June, nineteen hundred and three and every two years thereafter, a town treasurer who shall be an elector of the town, and who shall enter upon the duties of his office on the first day of September next succeeding his election, and who shall continue in office until his successor is elected and qualified, and who shall collect and keep all funds and other moneys belonging to the town, and pay out the same on the order of the town council, attested by the town clerk. The said treasurer, before entering upon the discharge of the duties of his office, shall give bond with some guarantee or security company doing business in the State of Virginia, to be approved by the town council as security in the sum of twenty-five thousand dollars, payable to the town of Hampton, Virginia, conditioned upon the faithful performance of his duties.

He shall receive no salary, but his compensation for the performance of his duties shall be a commission of five per centum of the moneys collected from all sources, except on the proceeds of bonds issued by the town upon which amounts collected as the proceeds from the sale of bonds issued by the town, he shall receive a commission of two per centum only, and money loaned by the town and subsequently collected, upon which he shall receive a commission of five per centum on the interest collected thereupon only.

2. This act shall be in force from its passage.

CHAP. 277.—An ACT to amend section 2 of an act approved April 2, 1902, entitled an act to lay off, designate, and survey the natural rocks, beds, and shoals in Nomini and Currioman bays, in the county of Westmoreland, and to include the same in the original geodetic survey of the natural oyster rocks, beds, and shoals of the Commonwealth.

Became a law, without the governor's signature, May 19, 1903.

1. Be it enacted by the general assembly of Virginia, that section two of an act approved April second, nineteen hundred and two, entitled an act to lay off, designate, and survey the natural rocks, beds, and shoals in Nomini and Currioman bays, in the county of Westmoreland, and to include the same in the original geodetic survey of the natural oyster rocks, beds, and shoals of the Commonwealth, be amended and re-enacted so as to read as follows:

§ 2. When the said survey has been made, a report of the same, together with a plat of the said survey, shall be made and filed in the clerk's office of the county court of the said county of Westmoreland, and the said survey and plat shall have the same force and effect as if the same were a part of, and has been included in, the original geodetic survey aforesaid made under the said act of assembly, a plat of which is now on file in the said office. The bottoms surveyed and set apart as aforesaid under the provisions of this act shall be, and the same are hereby, declared to be natural oyster rocks, beds, and shoals, to be held and regulated as all other natural oyster rocks, beds, or shoals which are em-

braced in the said geodetic survey; and all laws pertaining to natural oyster rocks, beds, and shoals in the said geodetic survey shall be applicable to the natural oyster rocks, beds, and shoals created and provided for by this act: provided, that none of the provisions of this act shall be construed to interfere with or prevent the completion of any assignments of oyster bottoms in these waters where applications for the same have been made and approved by the State board of fisheries prior to the second day of April, nineteen hundred and two, or to interfere with any vested rights which any citizen of the Commonwealth may have acquired therein under the laws now in force.

2. This act shall be in force from its passage.

CHAP. 278.—An ACT appropriating the sum of \$120 to pay the premiums on three certain policies of insurance upon the executive mansion and certain furniture therein, which expire April, 1903, and for which no appropriation has heretofore been made.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of one hundred and twenty dollars be, and the same is hereby, appropriated, payable out of any moneys in the treasury not otherwise appropriated, to pay the premiums on three certain policies of insurance upon the executive mansion and the furniture therein, which expire in April, nineteen hundred and three, and for which no appropriation has heretofore been made; and the auditor of public accounts is hereby directed to issue his warrant upon the treasury, payable to John W. Richardson, register of the land office and superintendent of grounds and buildings, for said amount for such purpose.

2. This act shall be in force from its passage.

CHAP. 279.—An ACT to prevent the encroachment on or the changing of the lines or direction of any public road without permission of the court, and to prescribe a penalty therefor.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That any person other than a duly authorized officer changing the line of any public road, on either side thereof, as the lines have existed for twenty years or more, without the permission, entered of record, of the circuit court of the county in which the road lies, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five nor more than fifty dollars.

2. It shall be the duty of the supervisor of the district to give notice in writing to all persons making, or who have made such encroachment on any public road in his district by changing the lines or the direction thereof, without permission of the court as aforesaid, to remove any fence

or obstruction, whether made before or after the passage of this act, and to restore the original line or lines of the said road; and on failure to do so within twenty days after said notice the person so offending shall be liable to a fine of five dollars for each day the said fence or other obstruction remains in said road after the expiration of the twenty days aforesaid.

CHAP. 280.—An ACT to provide rooms for the accommodation of the State Corporation Commission, and to appropriate money for the rent of the same.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the register of the land office be, and he is hereby, authorized and instructed to rent or lease from the proper authorities of the city of Richmond, for a period of not less than one year and at an annual rental of not exceeding one thousand dollars, five contiguous rooms in the city hall building for the use and accommodation of the State Corporation Commission.

2. The auditor of public accounts is authorized and directed to draw his warrant on the State treasury, in favor of the proper authorities of the city of Richmond, and payable out of any funds not otherwise appropriated, for the amount of such rent, and at such times and in such installments as the contract may specify.

3. This act shall be in force from its passage.

CHAP. 281.—An ACT to appropriate the sum of \$500 for the purpose of removing the remains of the wife and of the daughter of James Monroe from Oakhill, in Loudoun county, to Hollywood, in the city of Richmond.

Approved May 20, 1903.

Whereas, James Monroe, twice governor of Virginia and twice president of the United States, died in the city of New York, where he was buried; and,

Whereas, just prior to the civil war, his body was removed by authority of the State of Virginia to the city of Richmond, and interred in Hollywood cemetery, where it now rests; and,

Whereas, his wife and his oldest daughter, whose death had preceded his own, were buried at Oakhill, the old homestead in Loudoun county, which has long since passed out of the possession of the family; and,

Whereas, it is fitting that these loved ones, though dead, should not be separated; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purpose of removing the remains of Mistress Monroe and of her daughter from Oakhill to Hollywood.

2. That the removal be under the direction of John R. Hooper, super-

intendent of Hollywood cemetery, upon whose requisition the auditor of public accounts is instructed to draw his warrants upon the treasurer of Virginia, in such sums as may be required for all the expense connected with the removal and re-interment, not to exceed in the aggregate the amount hereby appropriated.

3. This act shall be in force from its passage.

CHAP. 282.—An ACT to amend and re-enact chapter 73 of the acts of the general assembly of Virginia, approved April 28, 1887, entitled an act to amend an act for working the public roads of Fairfax county, as amended by acts approved February 17, 1890, February 22, 1890, February 20, 1896, February 2, 1898, and January 24, 1900.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-three of the acts of the general assembly of Virginia, approved April twenty-eighth, eighteen hundred and eighty-seven, entitled an act to amend an act for working the public roads of Fairfax county, as amended by acts of the general assembly approved February seventeenth, eighteen hundred and ninety, February twenty-two, eighteen hundred and ninety, February twentieth, eighteen hundred and ninety-six, February second, eighteen hundred and ninety-eight, and January twenty-fourth, nineteen hundred, be amended and re-enacted so as to read as follows:

2. The improvement, maintenance, construction, and all other administrative control of all the roads in Fairfax county outside of organized incorporated towns are hereby vested in a county road board of seven members, consisting of the county surveyor as member and as ex-officio chairman, and of the six road commissioners hereinafter provided. The county road board shall be a body politic and corporate, and may sue and be sued. The word "road" as herein used shall be held to include all public roads, thoroughfares, turnpikes, highways, and the bridges thereon.

3. Each of the six magisterial districts of Fairfax county, exclusive of organized incorporated towns, shall constitute a road district, and shall have a road commissioner, who shall be a freeholder and a registered voter residing within the geographical limits of such district. Such road commissioner shall be appointed by the judge of the circuit court; shall qualify before the county clerk, and shall hold office for a term of three years, or an unexpired portion thereof, or until his successor qualifies: provided, that the first six road commissioners qualifying under this act shall be appointed by the judge of the county court on satisfactory nominations by the county surveyor, and shall serve as follows: Two until the first day of January, nineteen hundred and five, two until the first day of January, nineteen hundred and six, and two until the first day of January, nineteen hundred and seven; the commissioners whose terms shall so expire being determined by lot at the first meeting of the county road board.

4. The county clerk, or his deputy, shall act as clerk of the county

road board, and shall preserve in his office records of its proceedings, including all expenditures authorized, and plats of all roads as they may, from time to time, be defined, and shall receive therefor such compensation as may be fixed by the board of supervisors.

5. The county treasurer shall disburse all road funds upon the warrant of the ex-officio chairman of the county road board, when such chairman is properly bonded, and for collecting and disbursing shall receive such commission as may be fixed by the board of supervisors. He shall, at stated periods, advise the county road board of the condition of the road fund. No warrant shall, without the written authority of the board of supervisors, be drawn in excess of available road funds.

6. The county road board shall hold an annual meeting in January of each year, and such other regular and special meetings as may be necessary. It shall at least once each year recommend to the board of supervisors levies for road purposes. It shall classify the roads of the county, adopt economical, progressive, and uniform standards for the construction and maintenance of each class, authorize and scrutinize expenditures of the road funds, make special inspections of the roads, and at least once a year audit the accounts of its chairman. These accounts shall then be certified to the board of supervisors, who shall again audit and then publish in full in a county newspaper.

7. The chairman of the county road board shall preside at its meeting, call special meetings when necessary, prepare plans, estimates, and specifications, make frequent inspections of all the roads and of all work being done, do all the surveying and engineering necessary for road work, including surveying of proposed roads, and perform such other duties in connection with the roads as the county road board may direct. He shall receive therefor such compensation, not less than nine hundred dollars per annum, as may be fixed by the board of supervisors. He shall, at the expense of the county, give bond before the circuit court for the faithful performance of his duties in such sum as may be fixed by the board of supervisors.

8. Each road commissioner shall, under the direction of the county road board, and of its chairman, have charge of the roads in his district. He shall make frequent inspections of the roads and of the work being done. He shall receive therefor, and for his duties as a member of the county road board, such compensation not less than two dollars per day when actually employed, for not to exceed one hundred days in each year, as may be fixed by the board of supervisors.

9. As far as practicable all road work shall be let by contract by the county road board after a public opening of sealed proposals invited by public notice; and all work shall be carefully inspected by the chairman or by the commissioner of the district affected.

10. As far as possible all road work shall be done between the first of March and the first of September of each year, and at least one-half of the work shall be for permanent improvement as distinguished from temporary repairs.

11. New roads in the districts herein created may be opened, and existing roads may be closed, widened, changed, or defined by order of the

court or circuit court of Fairfax county, but only after reference to the county road board for written recommendation as to expediency and as to the amount of compensation and damages, if any, to be awarded. No new road shall be opened less than thirty feet wide.

12. The board of supervisors, after settling their road accounts now outstanding, shall allot to the county road board and have placed to the credit of its ex-officio chairman with the county treasurer such portion of the present general county levy as can be spared for road purposes; and hereafter at least one-fourth of the general county levy shall be so allotted, and when collected so credited for road purposes.

13. The board of supervisors shall levy annually a district road tax of not less than twenty cents on the hundred dollars' valuation of all taxable property, which, when collected, the county treasurer shall disburse as hereinbefore provided. The road fund of each district shall be kept separate, and shall be applied exclusively in such district: provided, that each annual district fund in the proportion that it bears to the total annual road fund of the county and districts may be drawn upon for the expenses of the county road board for the purchase of utensils for use in all of the districts, or for any expenditure the benefits of which are shared by all the districts: and provided, further, that the road fund in any district may, in such proportion as may be fixed by the county road board, be drawn upon for its proportionate share of expenditure made jointly with an adjacent district.

14. The offices of road superintendent, of road surveyor, of road overseers, and of road commissioners, except as herein specified, are for Fairfax county hereby abolished. All records, books, utensils, and other road property shall be promptly turned over to the county surveyor. The county treasurer shall settle the present outstanding road fund accounts of each district and place any balance in each to the credit of the corresponding road district herein created.

15. All acts or portions of acts inconsistent with or rendered unnecessary by this act are hereby repealed.

16. This act shall take effect from its passage.

CHAP. 283.—An ACT to authorize the board of supervisors of Clarke county to issue bonds of the county to macadamize the public roads of the several magisterial districts of the county.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That upon the petition of one-fourth of the freehold voters of any magisterial district of said county, the judge of the circuit court of the county shall order a special election to be held in said district to ascertain the sentiment of the voters of the district as to the issuing of the bonds of the county (the principal and interest of said bonds to be paid by levying a tax on said district) for the purpose of macadamizing the public roads of said district. In its order the court shall prescribe the style of ballot and the

method of conducting the election and certifying the returns, all of which shall conform as nearly as may be to the provisions of the general law regulating special elections.

2. If a majority of the qualified and registered voters of said district shall vote in favor of issuing bonds to be paid by a levy upon all the property, real and personal, in said district, the board of supervisors of the district shall issue the bonds of the county, either registered or coupon, bearing a rate of interest no greater than five per centum, to an amount not exceeding at any time in the aggregate a sum the interest upon which, at a rate not greater than five per centum per annum, may be paid by a levy of fifteen cents upon the hundred dollars of the assessed value of all taxable real estate and personal property in said district.

3. The board of supervisors of the county may issue said bonds for such amount and as may in its discretion be necessary; the bonds so issued from time to time shall not be for a longer term than thirty years, and may be made payable at such time or times as the board of supervisors may deem best.

4. All bonds shall be in such form as the board may direct, and shall be signed by the chairman of the board and attested by the clerk of said board of supervisors. None of the bonds shall be sold at less than their par value.

5. The board of supervisors shall annually levy upon all the assessed property (real and personal) of said district a special tax, not exceeding twenty on the hundred dollars, and the sum derived from said levy shall be used to pay the interest on the bonds issued under this act and to create a sinking fund for the payment of said bonds. Should the board fail or refuse to levy said tax, the circuit court of the county shall issue its mandamus compelling them so to do.

6. The board of supervisors, before undertaking to macadamize or otherwise permanently improve any road, shall require to be made out specifications of the work proposed to be done, and shall advertise for bids for the work to be done in some paper published in the county, or if there be no paper published in said county, in a paper having circulation therein, and by printed handbills thoroughly distributed and posted in said county, said work to be given to the lowest possible bidder, who shall give bond for proper performance of the work; but said board, in its discretion, may reject any or all bids: provided, however, that the board of supervisors may, in its discretion, employ hands to do the work. No work shall be paid for, whether done by contract or otherwise, unless approved by the board of supervisors.

7. Before undertaking the improvement of any road, the board of supervisors shall inspect said road, and if in its opinion changes of location are necessary to improve the grade or shorten the distance, it shall take such steps as are required by law to effect such changes.

8. All money paid out under this act shall be upon warrants drawn on the county treasurer, signed by the chairman of the board of supervisors, and attested by the clerk of the board. The treasurer shall keep all money arising from the sale of bonds in a separate account for each district, which shall be called the "road improvement fund" of the district voting

to issue bonds. All warrants issued on this fund shall state on their face that they are for road improvements within the district voting to issue bonds, and shall be so accounted for by the treasurer.

9. The treasurer shall have for receiving and disbursing said fund one per centum on the amount derived from the sale of the bonds.

10. From the amount collected under the levy provided for in section five of this act the board of supervisors shall require the treasurer each year to set apart three cents on the hundred dollars of assessed value of all real estate and personal property in said district as a sinking fund for the payment of said bonds; said sinking fund shall be deposited in some bank selected by the board of supervisors at such rate of interest as may be agreed upon, and said board of supervisors may, in its discretion, require said bank to give bond, with security, for the safe-keeping of said fund.

11. The board of supervisors shall cause to be kept an itemized account of all work done and money expended in road improvements under this act, which shall be recorded by the clerk of the board of supervisors in a book to be kept for the purpose, and published in the same manner provided by law for the publication of other expenditures.

12. This act shall be liberally construed, to the end that its purposes may be fully carried out.

13. Nothing in this act shall be construed to interfere with the use of convicts in the building and working of roads as may be now or hereafter provided by law.

14. This act shall be in force from its passage.

CHAP. 284.—An ACT to amend and re-enact section 94 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section ninety-four of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 94. Any person who shall furnish for compensation, lodging or diet to travelers or sojourners, or provender for horse feeding in his stable, or on his land, except a drove of live stock and persons attending the same, shall be deemed to keep a house of private entertainment, unless it be an ordinary keeper. A license to keep a house of private entertainment shall not be construed to authorize the sale of wine, spirituous or malt liquors, or a mixture of them on the premises or within the curtilage of such private entertainment, nor shall any license be granted to sell, by retail or to be drunk where sold, any wine, spirituous or malt liquors

upon the premises or within the curtilage of any licensed private entertainment. Any person who shall keep a house of private entertainment without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may keep the same.

2. This act shall be in force from its passage.

CHAP. 285.—An ACT to ratify and confirm the action of the authorities of Augusta county in acquiring title to a certain lot of land, and the acts of said authorities in conveying certain rights and interests in said lands to others.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the action of the authorities of Augusta county in acquiring or attempting to acquire title for said county to a certain lot of land situate in the city of Staunton, north of the courthouse lot of said county, and now occupied by a row of office buildings, which was conveyed to the justices of said county by W. B. Phillips and wife, by deed of date July twelfth, eighteen hundred and thirty-nine, together with all deeds, contracts, and other documents, whereby the said county acquired, or attempted to acquire, rights, title, or interest in and to said lot, and all deeds, contracts and other documents whereby the said county, or the authorities thereof, granted, or attempted to grant, to the present owners of the office buildings now on said lot, or to those under whom they claim rights, title, or interest in and to said lot, or any parts thereof, be, and the same are hereby, validated, ratified, and confirmed.

CHAP. 286.—An ACT to amend and re-enact subsections 1 and 2 of section 2070 c of an act entitled an act to amend and re-enact chapter 95 of the Code of Virginia in relation to the preservation of certain useful birds and animals, and prevent unlawful hunting, and to repeal sections 2075, 2076, 2077, 2081, and 2082 of the Code of Virginia, and an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia, approved January 27, 1896, as amended by an act entitled an act to amend and re-enact sections 1 and 4 of an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia, approved January 27, 1896, in force since December 15, 1897, approved May 14, 1903.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That subsections one and two of section two thousand and seventy c of an act entitled an act to amend and re-enact chapter ninety-five of the Code of Virginia in relation to the preservation of certain useful birds and animals, and to prevent unlawful hunting, and to repeal sections two thousand and seventy-five, two thousand and seventy-six, two thousand and seventy-seven, two thousand and eighty-one, and two thousand and eighty-two of the Code of Virginia, and an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia, approved January the

twenty-seventh, eighteen hundred and ninety-six, as amended by an act entitled an act to amend and re-enact sections one and four of an act entitled an act to prevent the extermination of partridges (or quail) in the State of Virginia, approved January the twenty-seventh, eighteen hundred and ninety-six, in force since December the fifteenth, eighteen hundred and ninety-seven, approved May the fourteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 2070c. Non-residents to obtain hunting licenses; when and how game may be exported, et cetera.

§ 1. It shall be unlawful for any person not a resident of this State to hunt or kill wild waterfowl, wild turkeys, pheasant, or grouse, woodcock, partridges, quail, or other game birds, or deer, within this State until he shall have first secured a hunting license as hereinafter provided: provided, however, that the non-resident child of a resident owner of land in this State shall be allowed to hunt on the lands of his parent as though he were a resident of this State, and the non-resident guests of a resident land owner shall be allowed to hunt on the lands of his host as though he were a resident of this State when accompanied by said host, or a member of his host's family: provided, said host receives no compensation, directly or indirectly, from said guest.

§ 2. Upon the personal application of any non-resident to the clerk of the circuit court of any county in which he first begins to hunt, such clerk shall, upon the payment of ten dollars, issue to such non-resident a hunting license, using a form to be prescribed by the auditor of public accounts for that purpose, entitling him to hunt and kill wild waterfowl, deer, wild turkey, pheasant, or grouse, woodcock, partridges, quail, and other game birds during the open season in the six months next following, and subject to any restrictions now existing or which may hereafter be imposed upon residents of this State. The clerk shall retain fifty cents as his fee for issuing such license, and the residue he shall account for to the auditor of public accounts, unless otherwise provided by law. Such license shall not be transferable.

2. This act shall be in force from its passage..

CHAP. 287.—An ACT to authorize the board of supervisors of Pulaski county to borrow money for the construction of highway bridges in the Pulaski road district, in Pulaski county.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Pulaski county be, and they are hereby, authorized to borrow money, not exceeding two thousand dollars, with which to construct highway bridges in the Pulaski road district, in Pulaski county.

2. The said loan shall be effected by issuing the bonds of the county signed by the chairman of the board of supervisors, with the seal of the board thereto affixed, and attested by the clerk of said board; said bonds shall be payable and redeemable at such periods as may be prescribed by

said board, said bonds to be for the sum of one hundred dollars each, or multiples thereof, with coupons attached for semi-annual interest, and in all other respects said bonds shall be as said board may prescribe, to be set forth on the face of the bonds.

3. The said board of supervisors may fix the rate of interest which the said bonds shall bear, but said rate shall not exceed the rate of six per centum per annum.

4. Said board of supervisors shall have full power to negotiate the said bonds through an agent, or in any way it may deem best: provided, that said board shall not sell or otherwise dispose of any of said bonds at less than their par value, and shall deposit the proceeds of the sale of said bonds in any bank in Pulaski county, subject to its orders, and disburse the same for the purpose aforesaid.

5. The payment of the interest upon said bonds, and the principal thereof, when called or due, shall be provided for by said board by a special tax, to be known as the "Pulaski district bridge tax," to be levied on all the land and personal property in the present limits of the Pulaski road district as a part of the road levy.

6. The funds arising from said tax shall be kept separate from all other funds, and applied for no other purpose than to the payment of the said bonds and interest until the same shall be fully discharged, but any balance then remaining shall be turned into the general road fund of the Pulaski road district.

7. Said bonds and coupons shall be exempt from all county taxes in the county of Pulaski, Virginia.

8. This act shall be in force from its passage.

CHAP. 288.—An ACT to provide for working and keeping in repair the roads and bridges in the county of Essex, and providing what tax shall be used for keeping the same in order.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That from and after the passing of this act the manner of working, repairing, and maintaining the roads and bridges in the county of Essex shall be as follows: It shall be the duty of the judge of the circuit court of Essex county, during the month of May, or as soon thereafter as is practicable, to appoint from each district in said county three tax-payers and voters living in different sections of their respective districts; and, furthermore, to be men of good judgment and possess a practical knowledge of road making, who shall be known as the "board of road commissioners," and whose term as said commissioners shall be four years, unless sooner removed by said circuit judge for neglect of duty, or any other reason which, in his judgment, shall seem proper and sufficient.

2. It shall be the duty of the road commissioners, as soon as practicable, after being notified of their appointment by the clerk of the circuit court, to meet and elect from their number a chairman and secretary, and at

once proceed to divide all of the public roads in the several districts of the county into sections of not more than five miles each, to be numbered, described, and known as "road section number —, in — district." The road commissioners shall estimate what amount will be necessary for the repairing and keeping in order of all county roads and bridges within each road section in such manner and under such regulations and restrictions, plans, specification, and estimates as they may prescribe, taking in consideration the probable amount coming to each district as reported to them by the county treasurer, said amount known as "district road tax."

3. It shall be the duty of said commissioners in each district, after estimating the amount to which each road section shall be entitled, to let out the respective road sections to farmers or tax-payers on or contiguous to the sections assigned them, who shall be known as "road overseer of section —." But before any overseer enters upon his duties as such, shall enter into a contract in writing with the road commissioners, for the term of one year, accurately and particularly setting forth what work is required of the overseer, and what compensation he shall receive for said work, the commissioners to reserve the right to revoke the said contract for non-compliance, or, in case of partial compliance, to withhold so much of the amount due said overseer as may be right and proper. But when said contract has been fully complied with on the part of the overseer, the road commissioners shall certify their respective claims to the board of supervisors for payment.

4. It shall be the duty of each commissioner to carefully look over the roads in his section of the district and inform himself whether or not the overseers are recognizing and carrying out the terms of their respective contracts, and in case of any disagreement between the overseer and local road commissioner, either one may refer the matter to the three district road commissioners, from whose decision there shall be no appeal.

5. The road commissioners shall keep an accurate account of all disbursements made by them, and render an annual statement in writing, under oath, to the board of supervisors for Essex county. And should a road commissioner of a district be unable to get a suitable overseer for any section or sections, then the commissioner nearest to said vacancy shall himself hire labor to do such work as may be actually necessary, in order that public travel may not be obstructed, and render a statement in writing, under oath, showing the amount on account of labor, team, wagons, or other implements used in working said sections, to the full board of road commissioners, and when approved by them, shall be certified as other claims, being signed by the chairman and secretary of said board of commissioners.

6. The road commissioners shall each receive as their compensation the sum of one dollar per day for each day he is actually engaged in the performance of his duties under this act: provided, that no member of said board of commissioners shall receive more than twelve dollars in any one year for his services as such commissioner.

7. The board of supervisors are required under this act to give to each district all funds arising or derived from the taxing of dogs in said dis-

trict (after paying commissions that may be due the treasurer of the county from this source and damage done to stocks). This fund shall be known as "the permanent improvement road fund," and shall be used only in constructing good roads, or as near such as conditions and circumstances will admit of. The necessary machinery for the constructing of aforesaid permanent roads shall be purchased by the board of supervisors out of the general county levy. As each section of road is made permanent, the salary of the overseer of said section shall go to the "permanent road fund," except so much as will be necessary to pay the overseer to watch over the said work, keep drains open, remove blown-down trees, brush, et cetera.

8. All of the aforesaid permanent improvements shall be controlled by and under the personal supervision of the road commissioners of their respective districts, whose duty it shall also be to see that all machinery, tools, et cetera, furnished them by the board of supervisors are properly cared for.

9. All acts and parts of acts in conflict with this act are to this extent repealed. This act shall be construed to repeal the general law on roads only to the extent it conflicts therewith.

10. This act shall be in force from its passage.

CHAP. 289.—An ACT to appropriate the sum of \$5,000 to the Virginia Normal and Industrial Institute.

Approved May 20, 1903.

Whereas, by act of general assembly approved March twenty-ninth, nineteen hundred and two, the charter of the Normal and Collegiate Institute was changed in name and object, the name being changed to the Virginia Normal and Industrial Institute; and,

Whereas, the character of the work was so changed as to require industrial training, and the consequential expenses incurred will cause a deficit of two thousand and sixty-five dollars at the end of the fiscal year; and,

Whereas, other necessary changes must be made to meet the object of the institution; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of five thousand dollars be, and the same is hereby, appropriated out of the treasury to the Virginia Normal and Industrial Institute, to be used to cover a deficit of two thousand and sixty-five dollars, and to put in operation the industrial requirement of the school.

2. This act shall be in force from its passage.

CHAP. 290.—An ACT to appropriate the sum of \$5,000 to add to and improve the buildings at the State Female Normal School, at Farmville, and to increase the annual appropriation to said school from \$15,000 to \$25,000.

Approved May 20, 1903.

Whereas, on account of the small amount at present appropriated for public school purposes, a large proportion of the teachers of the State are young women who are willing to accept the small salaries paid; and,

Whereas, it is believed that the efficiency and popularity of the public school system will gradually increase as the teachers become better equipped and more thoroughly trained for the duties they have to perform; and,

Whereas, it is a fact that is generally recognized throughout the State, that the State Female Normal School at Farmville must be looked to to furnish said teachers; and,

Whereas, the said school, which was started in a small way, and with a small appropriation from the State, has grown to such proportions that it is impossible with the present buildings and present corps of teachers to accommodate and properly instruct the students now attending the said school; and,

Whereas, the State is now appropriating annually the sum of one hundred and fifteen thousand dollars for the education of the young men, and only fifteen thousand dollars for the education of the young women of the State; and,

Whereas, the future efficiency of the public school system requires that the State Female Normal School should have sufficient buildings to accommodate the young women of the State who are willing to devote their lives to teaching, and a sufficient number of well qualified instructors to make the said school a normal school in fact, at least equal to that of our sister States; therefore,

1. Be it enacted by the generally assembly of Virginia, That the sum of five thousand dollars be, and the same is hereby, appropriated out of money in the public treasury not otherwise appropriated, for adding to and improving the buildings at the State Female Normal School at Farmville, so as to make the capacity of said buildings sufficient to accommodate at least three hundred students.

2. That the annual appropriation to said school be increased from fifteen thousand dollars to twenty-five thousand dollars.

3. This act shall be in force from its passage.

CHAP. 291.—An ACT to amend and re-enact an act of the general assembly of Virginia, approved February 3, 1900, entitled "an act to amend and re-enact section 2229 of the Code of Virginia, relating to certificates to be issued by the clerk with marriage licenses, the return to be made by persons celebrating the marriage."

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia approved February the third, nineteen

hundred, entitled "an act to amend and re-enact section twenty-two hundred and twenty-nine of the Code of Virginia, relating to certificates to be issued by the clerk with marriage licenses, the return to be made by persons celebrating the marriage" be amended and re-enacted so as to read as follows:

§ 2229. The certificate to be issued by clerk with license; the return to be made by person celebrating the marriage.

The clerk issuing any marriage license shall, at the time, ascertain from the party obtaining such license, as near as may be, the date and place of the proposed marriage, the full names of both parties, their ages and condition before marriage (whether single, widowed, or divorced), the places of their birth and residence, the names of their parents and the occupation of the husband, and make a certificate thereof, and deliver it together with the license to the person entitled thereto.

It shall be the duty of every minister or other persons celebrating such marriage, within two months after the same has been celebrated, to return such license and certificate of the clerk, together with his own certificate of the time and place at which the said marriage was celebrated, to the clerk who issued the said license. Any minister violating the provisions of this section shall be liable to a fine of not less than five dollars nor more than ten dollars for each offense.

2. This act shall be in force from its passage.

CHAP. 292.—An ACT to increase the annual appropriation to the Virginia Agricultural and Mechanical College and Polytechnic Institute from \$25,000 to \$40,000.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the annual appropriation to the Virginia Agricultural and Mechanical College and Polytechnic Institute, for purposes of maintenance and instruction, be increased from twenty-five thousand dollars to forty thousand dollars.

2. This act shall be in force from its passage.

CHAP. 293.—An ACT to provide for the support, maintenance, and instruction of the Virginia volunteers, and for their maintenance and pay when called into service in aid of the civil authorities or by the governor and commander-in-chief, and appropriating money therefor.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of one-half of one per centum of all receipts into the treasury derived from regular sources of income, except the school fund, be, and the same is hereby, appropriated for the support, maintenance, and instruction of the Virginia volunteers.

2. The said sum shall be known as the military fund, and shall be con-

trolled, expended, and disbursed by the military board, as provided in section three hundred and seventy-seven of the Code of Virginia.

3. That the military board of this State be, and it is hereby, authorized to accept, by gift or grant, or to contract for the use of, and as soon as practicable, out of the military fund to acquire suitable grounds for the annual encampment of the Virginia volunteers, or such part thereof as the funds at their disposal make possible.

4. That such annual encampment shall be held under rules and regulations prescribed by the governor, and it shall be the duty of said board to provide all suitable and necessary rifle ranges for the instruction of the Virginia volunteers in the accurate use of their weapons, and of the governor to prescribe such rules and regulations as will insure instruction as far as possible in all the duties of service in camp and in the field.

5. All officers and enlisted men of the Virginia volunteers while on duty, or assembled therefor, pursuant to the call of the sheriff of any county, or the mayor of any city, in cases of riot, tumult, breach of the peace, resistance of process, or whenever called out in aid of the civil authorities, shall receive the compensation provided in chapter twenty-one of the Code of Virginia, and such compensation and the necessary expenses incurred in subsisting, quartering, and transporting the troops shall be paid by the treasurer of the State out of any moneys in the treasury not otherwise appropriated, so much of said moneys as may be necessary being hereby appropriated. Such payment shall be made on warrant to be drawn by the auditor of public accounts on the treasurer of the State upon certificates of the officer in actual command of the troops, and upon pay-rolls prepared according to such forms as the State regulations shall prescribe, such pay-roll and certificate to be transmitted to the adjutant-general through the regular military channels, and he shall approve them before such warrants shall be drawn.

The auditor of public accounts and the State treasurer are hereby authorized and directed to draw the warrants and make the payments herein provided for.

The several railroads and other transportation companies in this Commonwealth shall furnish such transportation for troops so called out, stores, munitions, and equipments, upon application of the officer in actual command, accompanied by a certificate from him of the number of men to be carried and their destination, and a copy of the order calling them out; and for such transportation such companies shall be entitled to receive compensation from the State, and it shall be the duty of the adjutant-general to contract annually with the various railroad companies of the State for rates of such transportation should there be occasion for it.

6. This act shall be in force from its passage.

CHAP. 294.—An ACT to amend and re-enact chapter 9 of the Code of Virginia of 1887 in relation to elections of State, county, district, and city officers, and the terms of their offices, and filling vacancies.

Approved May 20, 1903.

Be it enacted by the general assembly of Virginia, That chapter nine of Code of Virginia be amended and re-enacted so as to read as follows :

CHAPTER IX.

§ 87. Governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture; election; term of office.

The governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture shall be chosen by the qualified voters of the Commonwealth, at the general election to be held on the Tuesday after the first Monday in November, of the year one thousand nine hundred and five, and every fourth year thereafter, and shall hold their offices for a term of four years, to commence on the first day of February next succeeding their election.

§ 88. Returns; how votes counted and election determined.—The secretary of the Commonwealth, on the first day of the session of the general assembly next succeeding the election of a governor and lieutenant-governor, shall deliver the returns of such election to the speaker of the house of delegates, who shall, within one week thereafter, in the presence of a majority of the senate and house of delegates, open said returns, and the votes shall be counted, and the election determined in conformity with the provisions of the seventeenth section of article five of the Constitution.

§ 89. When offices of governor and lieutenant-governor vacant, who to discharge duties; how vacancies filled.—When a vacancy occurs in the office of governor and lieutenant-governor, the duties of the office of governor shall be discharged by the president pro tempore of the senate, until a governor is elected and qualified; or if the senate be not in session, by the person who was president pro tempore at the close of the next preceding session. While so discharging the duties of the office of governor, such person shall not act as president pro tempore of the senate, nor vote as a member thereof. He shall, within five days after such vacancy occurs, issue writs of election for the unexpired terms of the said officers, to be held within sixty days from the issuing of such writs. If the general assembly be not in session at the time of such election, or be not otherwise convened within sixty days thereafter, it shall be his duty to convene the same within the sixty days, in order that the vote may be counted in the mode prescribed by the Constitution.

§ 90. When office of lieutenant-governor vacant, who to discharge duties.—When a vacancy occurs in the office of lieutenant-governor only, the duties of that office shall be discharged by the president pro tempore of the senate, but he shall not by reason thereof be deprived of his right to act and vote as a member of the senate.

§ 91. When office of attorney-general vacant, how filled.—When a vacancy occurs in the office of attorney-general during the session of the general assembly, it shall be filled by the joint vote of the two houses. If such vacancy occurs when the general assembly is not in session, the treasurer, auditor of public accounts, and second auditor, or a majority of them, shall elect an attorney-general, and shall certify the fact to the governor. The person so elected shall hold the office until the end of the unexpired term, or until thirty days after the commencement of the next session of the general assembly, whichever may happen first. At such next session an attorney-general shall be elected by the joint vote of the two houses for such part of the term as has not expired.

§ 92. Sheriffs, attorneys for the Commonwealth, commissioners, and treasurers, when elected; term of office.—Sheriffs, attorneys for the Commonwealth, commissioners of the revenue, and county treasurers, shall be chosen by the qualified voters of the respective counties, at the general election on the Tuesday after the first Monday in November, nineteen hundred and three, and every fourth year thereafter, and shall hold their offices for the term of four years, from the first day of January next succeeding their election.

§ 93. Clerks of courts, when elected; term of office; when clerk of county court to be clerk of circuit court.—In every county there shall be a county clerk, who shall be clerk of the circuit court of the said county. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon the several clerks of the county courts in those counties in which such clerks are now ex-officio clerks of the circuit courts of said counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, shall be and become the county clerks of their respective counties, and as such the clerks of the circuit courts created therefor by the Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five: provided, that the first term of the clerks so elected be for six years, and their successors shall be chosen on the Tuesday after the first Monday in November, nineteen hundred and eleven, and every eight years thereafter. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, county clerks for such counties: provided, however, that the terms of office of all county clerks chosen at the first election held under this section shall expire on the first day of January, nineteen hundred and twelve.

§ 94. Surveyors and superintendents of the poor; how appointed; term of office.—Each circuit court judge, upon the recommendation of the board of supervisors of each county in which he holds his court, shall, at the first term of his court, after February first, in the year nineteen hundred and four, and every fourth year thereafter, appoint for each county in which he holds his court one county surveyor and one superintendent of the poor: provided, that such judge may, if he think proper, reject the recommendation, and unless the board of supervisors recommend other persons suitable, in his opinion, for said offices, within thirty days after their first recommendation has been rejected, he shall fill the said offices, or either of them, by his own appointment in term or vacation.

No recommendation made by the board of supervisors shall be rejected by the judge except for reasons entered of record.

§ 96. When district officers to be elected; term of office.—In each magisterial district there shall be chosen by the qualified voters thereof at the general election, to be held on Tuesday after the first Monday in November, in the year nineteen hundred and three, and every four years thereafter, one supervisor, one constable, three justices, and one overseer of the poor, who shall hold their respective offices for the term of four years.

§ 97. Additional justices and constables provided for.—Whenever a county or circuit court shall be of opinion that the public service requires a greater number of justices or constables in any district than those specified in the Constitution, and shall so enter of record and designate the number of such additional officers, notice thereof shall be published in such district, and at the next succeeding general election for district officers such additional officers shall be elected in the mode prescribed for the election of district officers, and continue to be elected at each succeeding general election of district officers until otherwise ordered by the court. And it shall be lawful for the said court to appoint officers to serve until such additional officers are elected and qualified. Such officers, whether elected or appointed, shall qualify and give bond as prescribed for district officers. The said court may, in its discretion, revoke the order requiring such additional officers, such revocation to take effect at the expiration of the terms of such officers.

§ 98. Providing for officers of cities; their election and terms of office.—In each city of this Commonwealth there shall be elected by the qualified voters thereof, on the second Tuesday in June, nineteen hundred and four, and every four years thereafter, a mayor, who shall be the chief executive officer of such city, whose term of office shall begin on the first day of September succeeding his election, and continue for four years thereafter, on the Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter the qualified voters of each of the cities of this Commonwealth shall elect a city sergeant, a commissioner of the revenue, an attorney for the Commonwealth, and a city treasurer, whose terms of office shall begin on the first day of January next succeeding their election, and continue for four years thereafter. In each city which has a court, in whose

office deeds are admitted to record, there shall be elected by the qualified voters on the Tuesday after the first Monday in November, nineteen hundred and five, and every eight years thereafter, a clerk of such court, to be called the clerk of the corporation or hustings court, whose term of office shall begin on the first day of January, nineteen hundred and seven, and continue thereafter for eight years; and in cities having a population of thirty thousand or more, and having a circuit court, there shall be elected at the same time, and for the same term, a separate clerk for such circuit court; and in the city of Richmond there shall also be elected at the same time, and for the same term, a clerk of the chancery court, and a clerk of the law and equity court for the city of Richmond. All provisions of any city charter in conflict with this section are hereby repealed.

§ 100. When election held to fill vacancy.—In case the election to any public office required to be filled by the qualified voters of any county, corporation, magisterial district, or ward, shall not be specially provided for by law, an election to such office may be had at the general election held next before the time provided for the term of such office to commence.

§ 101. How election for free school purposes held and results determined.—All officers who, under the general laws, are charged with the conduct of elections and the determination of the results thereof, shall render official service in the matter of votes ordered for public free school purposes, under such regulations as shall be prescribed by the board of education. But all elections for public free school purposes shall be held, after notice thereof given according to section one hundred and fifteen.

§ 102. When officers to enter upon their duties.—All State, county, district, and city officers chosen at a general election shall, unless otherwise provided, enter upon the duties of their respective offices on the first day of January next thereafter, except that the terms of office of mayors and councils of cities shall begin on the first day of September succeeding their election. They shall continue to discharge the duties of their respective offices until their successors shall have qualified.

§ 103. When term of officer elected to fill vacancy commences and expires.—The term of office of any person chosen at a special election to fill a vacancy in any public office shall commence as soon as he shall qualify and give bond, and continue for the unexpired term of such office.

§ 104. When duties of officers appointed under section ninety-seven begin and end.—Any person appointed a justice or constable under the provisions of section ninety-seven, or to fill a vacancy in any public office, shall enter upon the duties thereof as soon as he shall have qualified, and continue to discharge the same until the person chosen to fill the office has qualified.

§ 105. To whom writs of election directed.—A writ of election shall be directed to the sheriff of the county or sergeant of the corporation for which the election is to be held; or if the election is to be held for an election district, or to fill a vacancy in the general assembly or in

congress, to the sheriffs and sergeants of the respective counties and corporations which, or any part of which, are included in the district.

§ 106. By whom and when issued; how vacancies temporarily filled.—When a vacancy occurs in any county, corporation, or district office, the same shall be filled by the court of the county or corporation in which it occurs, or the judge thereof in vacation: provided, however, that if such vacancy occurs in any office of a corporation as to filling which vacancy there is no provision in the charter or ordinances of such corporation, and which has no corporation or hustings court, the same shall be filled by the court of the county in which said corporation is situated, or by the judge thereof in vacation; when in the office of clerk of a county, by such court, or the judge thereof in vacation; when in the office of clerk of the chancery court of the city of Richmond, by the said court, or the judge thereof in vacation; when in the office of sheriff of said city, by the circuit court thereof; and when in the office of corporation or hustings court clerk, or attorney for the Commonwealth for a city, by the corporation or hustings court of such city, or the judge thereof in vacation. The term of office of any person appointed under this section shall commence as soon as he shall qualify and continue for the unexpired term of such office: provided, further, when a vacancy occurs in a corporation office, and the charter of such corporation prescribes the mode of filling such vacancy, the vacancy shall be filled in the mode so prescribed.

§ 107. Vacancy may be filled by judge in vacation.—Any appointment authorized by the preceding section to be made by a court may be made by the judge thereof in vacation; and the appointment, when made in vacation, shall be certified by the judge making the same to the clerk of his court, to be entered as a vacation order.

§ 108. Appointees to qualify and give bond in thirty days.—All officers, appointed under the two preceding sections to fill vacancies shall, within thirty days after their appointment, qualify and give bond before the court or judge making the appointment, and if before the judge in vacation, he shall certify the fact, and the certificate and bond shall be returned and recorded as provided by law.

CHAP. 295.—An ACT defining the powers and duties of the board of agriculture and immigration, and providing for an election of a commissioner of agriculture and immigration, and for repealing all acts in conflict with this act.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the department of agriculture and immigration shall be under the management and control of a board of agriculture and immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the governor for a term of four years, and confirmed by the senate; and the president of the Virginia Polytechnic Institute, who shall be ex-officio a member of the board: provided, that

the terms of members of the board first appointed from districts bearing uneven numbers shall be for two years, beginning March first, nineteen hundred and three, said members to be selected from the two political parties, so that not more than two-thirds of the members of said board shall belong to any one of the said parties at the same time. All vacancies in the membership of the board shall be filled by the governor.

POWERS AND DUTIES OF THE BOARD OF AGRICULTURE AND IMMIGRATION.

2. The board of agriculture and immigration shall meet twice a year for the transaction of business, and such other times as they may determine: provided, that the president of the board shall have power to call a special meeting of the board at any time upon his own authority, or by the request of the commissioner of agriculture or three of its members, made in writing. The members, while in attendance upon the sessions of the board, shall be allowed their necessary traveling expenses, to be paid out of the funds of the department of agriculture and immigration.

3. The board of agriculture and immigration shall have power to elect and remove its officers and establish elsewhere in the State subordinate branches of said department of agriculture and immigration.

4. The board shall have power to receive and hold in trust any donations made to it for the advancement of the agricultural interests of the State, and to administer the same. It shall have full control of the finances of the department of agriculture and immigration. The board of agriculture and immigration shall be charged with all matters tending to the promotion of the agricultural interests of the State, and the introduction of capital and immigrants into the State.

5. And the board shall prescribe the powers and duties of the commissioner of agriculture and for the better protection of the farming interests shall be charged with the supervision of the trade in commercial fertilizers, and with the enforcement of the laws which have been or may hereafter be enacted, for regulating the sale of commercial fertilizers, seeds, and foods, and shall have authority to make such regulations as may be necessary to carry them into effect, and to publish such regulations, together with all matters relating thereto, as it may deem proper; also with the collection, publication, and dissemination of such information relating to the soil, climate, healthfulness, natural resources, markets, and industries of the State as may attract capital and induce immigration.

6. For the benefit of the agricultural community, the board shall cause to be held farmers' institutes at such times and in such places throughout the State as it may deem necessary for the advancement of agricultural knowledge and the improvement of agricultural methods and practices, and publish and distribute such papers and addresses read or made at these institutes as promise to be of value to the farming interests. And to collect, preserve, and exhibit in a suitable museum specimens of the agricultural and horticultural products, minerals, flora and fauna of the State, especially of its woods; and collect and publish

information relating to its mineral resources and timber supply and their value, and recommend such legislation as may be necessary for their exploitation and preservation.

The board shall annually submit to the governor a full report of its operations for the year, including a detailed financial statement of all its receipts and expenditures made under its direction.

THE COMMISSIONER OF AGRICULTURE AND IMMIGRATION.

7. The commissioner of agriculture and immigration shall be elected at the general election of State officers to be held on Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, for a term of four years. He shall be voted for on the same ballot as other State officers are voted for. Any vacancy in the office of commissioner of agriculture and immigration shall be filled by the board of agriculture and immigration, and the appointee shall hold office until the next general election to this office and the qualification of his successor.

8. The commissioner of agriculture and immigration shall be the executive officer of the board of agriculture and immigration, and shall have the sole power to appoint such clerical force in his office as may be authorized by the board of agriculture and immigration.

9. The president of the board of agriculture and immigration shall be ex-officio a member of the board of visitors of the Virginia Polytechnic Institute.

10. All acts or parts of acts in conflict with this act are to that extent hereby repealed.

11. This act shall be in force from its passage.

CHAP. 296.—An ACT to amend and re-enact the title of an act entitled “an act to prohibit the establishment and location of small-pox hospitals, or pest houses, within fifty yards of any street, public road, public park, or public cemetery, in any city, town, or county of the Commonwealth, or to hereafter establish any such hospital, or pest house, within one hundred and fifty yards of any public road, public park, or public cemetery, in any county of the Commonwealth, approved March 16, 1903.”

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the title of an “act to prohibit the establishment and location of small-pox hospitals or pest houses within fifty yards of any street, public road, public park, or public cemetery in any city, town, or county of the Commonwealth, or to hereafter establish any such hospital or pest house within one hundred and fifty yards of any public road, public park, or public cemetery in any county of the Commonwealth,” approved March sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

An act to prohibit the establishment, location, and maintenance of small-pox hospitals or pest houses within fifty yards of any street, public road, public park, or public cemetery in any city, town, or county of the Commonwealth, or to hereafter establish any such hospital or pest house within one hundred and fifty yards of any public road, public park, or cemetery in any county of the Commonwealth.

2. This act shall be in force from its passage.

CHAP. 297.—An ACT to amend and re-enact section 2266 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section 2266 of the Code of Virginia as amended and re-enacted by an act approved January 17, 1896, relating to divorces, approved March 16, 1903.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and sixty-six of the Code of Virginia of eighteen hundred and eighty-seven, as amended by an act approved January seventeenth, eighteen hundred and ninety-six, as amended and re-enacted by an act approved March sixteenth, nineteen hundred and three, entitled "an act to amend and re-enact section twenty-two hundred and sixty-six of the Code of Virginia, as amended and re-enacted by an act approved January seventeenth, eighteen hundred and ninety-six, relating to divorces, be amended and re-enacted to read as follows:

§ 2266. When and how a decree for divorce from bed and board may be revoked, or may be merged into a decree of divorce from the bonds of matrimony.—When a decree for a separation forever, or a limited period, has been made in a suit for a divorce from bed and board, it may at any time thereafter, upon the joint application of the parties, and the production by them of satisfactory evidence of their reconciliation, be revoked by the same court which made it, and under such regulations and restrictions as the court may impose. And when three years shall have elapsed after the entering of a decree for a divorce from bed and board, upon any other ground than that of desertion, and in any case where desertion is the ground for divorce when three years shall have elapsed from the time of such desertion, upon application of the party injured, and upon the production of satisfactory evidence, whether taken theretofore or in support of such application, the court may merge such decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony: provided, the court shall be of opinion, from the evidence taken in the suit and in support of the said application, that no reconciliation has taken place, or is probable, and that a separation has continued without interruption since the granting of such divorce.

CHAP. 298.—An ACT to appropriate the sum of \$500, or so much thereof as may be needed, to be used by the secretary of the Commonwealth to prepare a list of charters in his office to be furnished to the State Corporation Commission.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the sum of five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, payable out of any money in the treasury not otherwise appropriated, to be used by the secretary of the Commonwealth to employ additional clerical force in his office in preparing a list of the charters recorded in his office, to be furnished the State Corporation Commission under the provisions of section forty-six of an act approved April fifteen, nineteen hundred and three.

2. Said sum shall be paid on the order of the secretary of the Commonwealth, who shall file with the auditor of public accounts vouchers showing the expenditure thereof.

3. This act shall be in force from its passage.

CHAP. 299.—An ACT to provide for the working and keeping in repair of the public roads and bridges in the county of Fluvanna.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That on and after the passage of this act it shall be lawful for the county of Fluvanna to work and keep in repair the public roads and highways of this county in the following manner, to-wit:

2. The board of supervisors of the county shall, as soon as practicable after the passage of this act, but not later than the first day of April, proceed to lay off and divide (if not already done) all the public roads of the county into sections of from three to six miles, or thereabouts in length, according as their location and the difficulties of keeping in proper repair may, in their judgment, suggest.

3. Immediately upon the completion of this work of dividing the roads into sections, they shall meet at the courthouse and proceed to appoint three road commissioners for each township, whose term shall be for one year, who shall constitute the township board of road commissioners for their respective townships.

4. The said board of road commissioners shall annually, in the month of May, let to contract to the lowest suitable bidder, the work of keeping in repair the roads in their respective districts, notices of which letting shall be posted at each voting precinct and postoffices in the district, and otherwise published, as said board may deem advisable. The said lettings may be for one or more sections, and shall be for the term of one year, ending on the first day of May of each year. They shall require the bids to be in writing and signed by the party, and delivered under seal to the said board of road commissioners for their examination, approval, or rejection, at their meeting for that purpose.

5. Each contractor shall be required to give bond, with good security, in a penalty of at least double the amount of his bid, for the faithful performance of his contract, which bond shall be subject to the approval of the board of supervisors, and filed with the clerk of the board of supervisors, and the condition and width in which each section of road is to be kept, is to be incorporated in each bond and contract, and a recovery may be had for the breach of said contract, in the name of the county for the benefit of the road fund in the county court, by motion, after ten days' notice to the contractor and his security or securities.

6. The board of road commissioners shall have the right at any time, for good cause, and with the consent of the board of supervisors, to reject any bid or revoke any contract and re-let the same; and no member of the board of road commissioners shall be directly or indirectly interested in any contract made under this act, and any participation shall render the contract null and void.

7. At the first meeting of the board of road commissioners they shall elect one of their number chairman, who shall be required to give his personal supervision to all the roads and bridges within their respective districts; to see that the contractor is faithfully performing his contract, and for any failure in carrying it out shall at once, through the prosecuting attorney, institute proceedings for the recovery of damages for breach of said contract. It shall be his duty to cause the roads in his district to be cleared of all obstructions, secure from all the falling of dead timber, and a sufficient bridge, bench, or log for the accommodation of foot passengers across each stream when necessary; and he shall report to the board of supervisors twice annually the condition of the roads when each account is presented, which shall be in November and April, and for the performance of his duty he shall receive compensation at the rate of one dollar and fifty cents per day: provided, that in no case shall his compensation exceed twenty dollars per annum, to be paid out of the road levy.

8. In case the commissioners in any district are unable to let to contract any section, sections, or any of the roads in their respective districts, the commissioner in that district shall appoint some person or persons to put in repair such places as need putting in order, either at lowest bidder, or by hire of labor, and an itemized account to be furnished for said work, and endorsed by the commissioner.

9. The board of commissioners shall make to the regular May meeting of the board of supervisors a full and itemized statement and report of all the expenditures and collections in their respective districts, with estimates of what amount will be needed for the succeeding year.

10. The members of the board of commissioners shall receive each for their services annually the sum of two dollars per day: provided, that it shall in no case exceed ten dollars per annum.

11. For the proper performance and execution of these duties, and the payment of contractors, the board of supervisors is hereby authorized to levy a tax, not to exceed twenty-five cents on the one hundred dollars' worth of personal property and real estate, railroad, and telegraph

lines, and all other property available for county taxes, and it shall be collected and accounted for by the county treasurer as a special road fund, and shall be paid out on the order of the board of supervisors.

12. Be it further enacted, That the board of supervisors be, and it is hereby, vested with such further powers as in its judgment may be necessary to put the provisions of this act into complete and effective operation.

13. Be it further enacted, That in no case shall the board of road commissioners, in their lettings of the roads, contract to incur in their respective townships a greater indebtedness than one-fifth of the amount levied in the whole county for road purposes.

14. All acts or parts of acts inconsistent with this act are hereby repealed.

15. This act shall be in force from its passage.

CHAP. 300.—An ACT to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, approved February 2, 1898, relating to levying of taxes and an additional poll tax for the support of the town government.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirteen of an act entitled an act to provide a new charter for the town of Pulaski, approved February second, eighteen hundred and ninety-eight, relating to the levying of taxes and an additional poll-tax for the support of the town government, be amended and re-enacted so as to read as follows:

§ 13. The said council shall have the power to lay and levy a tax, not exceeding one dollar and fifty cents on the one hundred dollars' value of all property—real and personal—of the said town for general purposes of the said town, including the pay of officers, the working and keeping in repair of its streets, roads, and bridges, and to pay the interest on its public debt, and provide a sinking fund for the redemption of the same. And in addition thereto the said council is hereby authorized and empowered to lay and levy an additional poll tax, not exceeding one dollar on each male citizen thereof over twenty-one years of age, to be used in keeping the streets, roads, and bridges of said town in repair; and the said town shall have like powers of distress, levy, and sale for collection of such taxes as are now given to the State officers for the collection of State taxes.

2. This act shall be in force from its passage.

CHAP. 301.—An ACT to authorize the council of the town of Martinsville, in the county of Henry, Virginia, to cause to be issued the bonds of the said town to the amount of \$10,000, and borrow money thereon for the purchase of a lot and the building of a public free school-house thereon.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Martinsville, in the county of Henry, Virginia, be, and they are hereby, authorized and empowered to cause the interest-bearing coupon bonds of said town to the amount of ten thousand dollars, at such rate of interest, not exceeding six per centum per annum, as said council may determine, to be issued and sold and negotiated for not less than their face value, the proceeds thereof to be used for the purchase of a lot and the building of a public free school-house thereon for the school district comprised by said town.

2. Said bonds shall be payable ten years after the date thereof, and shall be signed by the mayor of said town and attested by the clerk of said council, and the coupons shall mature semi-annually so as to meet the interest fixed by the council.

3. Said bonds shall be known as "Martinsville school bonds," and may be issued notwithstanding any limitation prescribed by the charter of said town, or the general law of the State, upon the bond issue of said town. The purchasers of said bonds shall not be required to see to the application of the proceeds thereof.

4. The said council shall annually set apart one-eighth of the net proceeds of the municipal liquor dispensary of said town, or so much of said one-eighth as may be necessary to meet the interest on said bonds, and to create a sinking fund sufficient to retire the principal of said bonds at the end of the aforesaid ten years.

5. The council of said town is hereby authorized and empowered to do all acts and things necessary to complete and give validity to the bond issue to the amount aforesaid, for the purpose aforesaid, subject to the provisions of the other sections of this act.

6. This act shall be in force from its passage.

CHAP. 302.—An ACT to provide for the permanent improvement of the public roads of Charlotte county, and to authorize the issue of bonds for that purpose.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That B. P. Eggleston, G. W. Watson, Lee W. Morton, S. D. Morton, S. C. Adams, and W. D. Rice, citizens of Charlotte county, be, and they are hereby, appointed commissioners to carry out the provisions of this act. Said commissioners shall constitute a board known as Charlotte county road board. They shall organize by the election of one of their number chairman, and another secretary. A majority shall constitute a quorum for the transaction of business. As compensation for his services, each

member of the board shall receive the sum of two dollars for each day he is actually employed in the discharge of duties imposed by this act. Vacancies occurring on said board shall be filled by appointments made by the judge of the circuit court of Charlotte county, so that there shall be at least one commissioner resident in each magisterial district.

The circuit court of Charlotte county shall have authority to remove any or all of said commissioners for cause.

2. On the application of said board, the county court of Charlotte county, before February first, nineteen hundred and four, or the circuit court of said county after that date, shall order a special election to be held in the county of Charlotte to take the sense of the qualified voters of said county on the question of the issue and sale of the bonds of the county for the purposes set forth in this act. The order of court shall specify the amount of bonds to be issued, which shall not be less than one hundred thousand dollars, nor more than one hundred and twenty-five thousand dollars, the amount to be specified by the board in their application. Such election shall be held and the returns shall be made and canvassed in the manner prescribed by law. The tickets to be used shall be prepared and distributed by the electoral board of the county, and shall have printed on them, in one line, the words, "for road improvement by bond issue," and in another line the words, "against road improvement by bond issue." An abstract of the vote cast at such election, together with a copy of the findings of the commissioners who canvass said vote, shall be certified by the clerk of the county court of Charlotte county to the judge of said court. If such election be held after February first, nineteen hundred and four, then said abstract of the vote and copy of the findings of the commissioners shall be so certified to the judge of the circuit court of said county. Said judge, on consideration of said abstract of vote and findings, either during term or in vacation, if he shall be of opinion that at said election a majority of the votes cast were so cast in favor of the proposition submitted, shall so declare and so certify to the board of supervisors.

3. If it shall be so determined that a majority of the votes cast in such election were in favor of the issue of bonds for road improvement, then the board of supervisors shall proceed at once to issue the bonds of the county in the amount specified in the order of court submitting the question to a vote of the people.

4. Said bonds may be either registered or coupon bonds, shall bear interest at a rate not exceeding four per centum per annum and payable semi-annually, and the principal shall be made payable in not less than twenty nor more than fifty years from the date thereof. Said bonds shall be signed by the chairman of the board of supervisors, attested by the county clerk, and have affixed thereto, or impressed thereon, the seal of the county court of the county, which seal, for the purposes of this act, shall be deemed the seal of the county.

In all other respects, the terms and form of said bonds shall be such as the board of supervisors shall prescribe.

All bonds issued under this act shall be made exempt from taxation for all county purposes.

5. All of said bonds may be issued and sold at once, or they may be issued and sold in series as the proceeds thereof may be needed for the purposes of this act, but said bonds shall not be sold at a price less than the par value thereof. If issued in series, the time of payment of the bonds of the several series may be different.

6. The board of supervisors shall levy an annual tax to pay the interest on said bonds, and provide for the payment of the principal sums thereof when due, by creating and maintaining a sinking fund for that purpose.

7. The proceeds of said bonds shall be held and used as a fund for the construction of permanent roads in the county of Charlotte, and shall be known as the permanent road fund.

8. The Charlotte county road board shall select certain roads in the county running, as near as may be practicable, through the length and breadth of said county, and cause the roads so selected to be constructed of stone, gravel, or sand in a substantial and permanent manner. It shall prepare and adopt specifications for such road work, and may buy machinery, tools, and materials for the work, employ engineers, superintendents, and laborers, and make contracts for the construction of the roads. It may change the location of roads, and upon its application to the board of supervisors the said board of supervisors shall proceed, under the present road law of the county, to acquire the right of way necessary to make such changes of location. The entire work shall be placed under the supervision of a competent engineer.

9. All proper bills contracted by the road board under this act shall be first audited and approved by it and transmitted to the board of supervisors, who shall order the payment thereof out of the permanent road fund, if found proper and correct.

10. When work under this act is completed the road board shall turn over to the board of supervisors all tools, machinery, teams, and material on hand.

11. The permanent road fund may be placed in such repository, or repositories, as the board of supervisors, with the concurrence of the road board, may select: provided, however, that if such fund is deposited elsewhere than with the county treasurer, then the person or corporation receiving said fund shall, before receiving the same, enter into bond with security to be approved by said boards, payable to the Commonwealth, in a penalty equal to the largest sum which may be so received or held at any time, and shall receive no compensation for receiving or paying out the said fund.

If said fund is deposited with the county treasurer, then that officer shall receive as compensation for receiving and paying out the same such commission as may be agreed upon with the board of supervisors, which shall not exceed one per centum of the amount so received.

12. This act shall not be deemed or construed to interfere with or suspend the operation of the road law for the county of Charlotte now in force.

13. This act shall be in force from its passage.

CHAP. 303.—An ACT to amend and re-enact an act entitled “an act to allow notaries or other officers who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officer are in no otherwise interested, approved March 1, 1892, as amended and re-enacted by act approved February 2, 1894, and to validate all such acknowledgments heretofore taken by such notaries or officer.”

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act entitled an act to allow notaries or other officer who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officer are in no otherwise interested, approved March the first, eighteen hundred and ninety-two, as amended and re-enacted by act approved February the second, eighteen hundred and ninety-four, and to validate all such acknowledgments heretofore taken by such notaries or officer, be amended and re-enacted so as to read as follows:

§ 1. That no acknowledgment heretofore taken to any deed or any writing executed by a company, or for the benefit of a company, shall be held to be invalid by reason of the said acknowledgment having been taken by a notary public or other officer, duly authorized to take acknowledgments, who, at the time of taking said acknowledgment was a stockholder, an officer, or both, in the company which executed said deed or writing, or for the benefit of which said deed or writing was executed, but who was not otherwise interested in the property conveyed or disposed of by said deed or writing; and such deed or other writing, and the recordation thereof, shall be valid in all respects, as if this act had been in force when it was executed.

§ 2. And hereafter any notary public or other officer duly authorized to take acknowledgments may take the acknowledgment to any deed or other writing executed by a company, or for the benefit of a company, although he may be a stockholder in such company: provided, he is not also at the time such an officer of said company that would have to unite in executing such deed or writing, or is not otherwise interested in the property conveyed or disposed of thereby.

2. This act shall be in force from its passage.

CHAP. 304.—An ACT to prevent the fraudulent sale in bulk of merchandise, or any portion thereof, otherwise than in the ordinary course of trade.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, as follows:
That it shall be unlawful for any merchant engaged in the buying and selling of merchandise while he is indebted to any person to sell his entire stock of merchandise, in bulk, or to sell the major portion thereof otherwise than in the ordinary course of trade in the regular and usual

prosecution of the seller's business and with the intention of ceasing to conduct said business, in the same manner and at the same place as he has heretofore conducted the same, without first making a full and complete inventory of the merchandise so proposed to be sold, in which inventory the values shall be extended at the ruling wholesale price thereof; and without further making a full, true, and correct schedule of all persons to whom he is indebted, stating therein the postoffice address of each of said creditors, and the amount owing to each of them; to which inventory and schedule there shall be attached the oath of the seller that the same is true and correct; or if the seller shall assert that he is not indebted to any person, he shall make affidavit to that effect and deliver the same to the purchaser, with the inventory, as hereinafter provided. The seller shall deliver said inventory and schedule to the proposed purchaser, and shall retain exact copies thereof in his own possession; the seller and the purchaser shall each preserve such inventory, schedule, and affidavit for the period of six months after such sale and purchase, and the same shall be open to the inspection of the creditors of the seller. Ten days before such sale shall be consummated, and before the purchaser shall take possession of the merchandise so proposed to be sold, the seller and proposed purchaser shall join in giving written or printed notice of the proposed sale and purchase of such merchandise to each of the creditors named in such schedule; such notice may be delivered in person to such creditors, or transmitted to them by registered letter through the United States mails by being deposited in the United States postoffice at the place where the seller has heretofore conducted business, or nearest thereto, properly addressed to the respective creditors at the postoffice address given in such schedule, with proper postage affixed; such notice shall state the aggregate value of the merchandise proposed to be sold as shown by such inventory, the consideration to be paid therefor and the time and manner of making such payment. If said seller shall fail to make such inventory of such merchandise, or if such inventory shall fail to state the true value of said goods as above required, or if said seller shall fail to make such true schedule of creditors as hereinafter provided, and the purchaser shall have knowledge of that fact, or in event the seller shall assert that there are no debts against him, if the purchaser shall fail to require the affidavit above provided, or if the seller and purchaser shall fail to give each of said creditors named in said schedule the notice above required in the manner above provided, or if such notice shall not correctly state the amount of such merchandise proposed to be sold, and the consideration to be paid therefor, and the time and manner of making the same, then, and in either of such events such sale shall prima facie be presumed to be fraudulent and void as against the creditors of such seller, and the merchandise in the hands of the purchaser, or any part thereof, if it shall be found in his hands, shall be liable to such creditors; and in event the same, or any part thereof, shall be withdrawn by said purchaser, then the purchaser himself personally shall also be liable to said creditors of such seller to the extent of the value of the merchandise so received by him and thus withdrawn.

2. That whenever a notice, as provided in section number one of this

act, is sent by registered mail the creditor or person to whom the notice is mailed shall be presumed conclusively to have received the notice, and the time of the notice shall be dated from the time of the mailing and registration, or actual service of said notice.

3. That except as expressly provided in the preceding sections, nothing therein contained, nor any act thereunder, shall change or affect the present rules of evidence or the present presumption of law.

4. This act shall be in force from its passage.

CHAP. 305.—An ACT to prescribe the jurisdiction of the several boards of supervisors of the counties of Frederick, Clarke, Warren, Page, and Shenandoah, on and after the first day of February, 1904, in matters pertaining to county roads, toll roads, bridges, ferries, mills, fences, stock laws, and apprentices.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of February, nineteen hundred and four, the several boards of supervisors of the counties of Frederick, Clarke, Warren, Page, and Shenandoah, in addition to the powers, duties, functions, and jurisdiction now exercised by them, shall have all the powers, duties, functions, and jurisdiction of every kind and description now exercised or possessed by the county courts of their respective counties, whether exercised or possessed under a special law for such county, or under general law, in all matters pertaining to county roads, the supervision of toll roads, bridges, ferries, mills, fences, and apprentices, except such as pertain to criminal law.

2. Such matters as are now cognizable by said county courts, and are hereby transferred to the said board of supervisors, shall only be heard and determined by said board at a regular session. The form of procedure shall conform in all respects to the procedure before said county courts as far as practicable.

3. Any person aggrieved by any order of the board aforesaid, or the Commonwealth's attorney representing the interests of the county, and to the extent that said interests are affected, of his own motion, or upon the petition of six freeholders, either at the session at which said order is entered, or at the next regular session, may have entered upon the records of said board an appeal. No bond shall be required of the said Commonwealth's attorney, but the board, in the order allowing the appeal, shall fix the penalty of the bond required of any other person. Within ten days thereafter the appellant, or some one for him, shall execute bond in said penalty, with approved security, before the clerk of the circuit court of said county, conditioned to pay all costs, damages, or fees which may be awarded against him, and also conditioned to pay all costs and damages incurred in case said order be affirmed. Upon the execution of said bond, all the papers in the proceeding shall at once be transferred to the clerk of said court, and he shall forthwith docket the same in his court. The trial of such appeals shall have preference over other civil causes,

and shall be heard de novo by said court. The court shall enter such order as it shall deem just and right, and make any provision as to costs as the case may require. If the liability of the county is increased by said order for land damages in road or bridge cases, the order shall not be effective until the same shall have been approved by the board of supervisors. In all cases, the final order of the court shall be certified to the board for appropriate action on its part.

4. This act shall be in force from its passage.

CHAP. 306.—An ACT to fix the times of holding regular sessions of the boards of supervisors of Warren, Page, Clarke, Shenandoah, and Frederick.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the regular sessions of the board of supervisors of Warren county are hereby appointed to begin on the first Monday in January, April, June, July, September, and October; of Page county, on the third Monday in February, April, May, August, October, and November; of Clarke county, on the fourth Monday in March, May, June, August, September, and December; of Shenandoah county, on the second Monday in February, May, June, August, November, and December; of Frederick county, on the third Monday of January, March, June, July, September, and December.

2. Nothing herein contained shall interfere with such special sessions of the said board as may be held according to the general statute in such cases provided.

3. This act shall be in force from the first day of February, nineteen hundred and four.

CHAP. 307.—An ACT to empower the county court of Greenville county to authorize and permit a Confederate monument to be erected upon the public square at the county seat thereof.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That the county court of Greenville county be, and it is hereby, empowered, with the concurrence of the board of supervisors of said county, entered of record, to authorize and permit the Citizens' Monument Association of Greenville county to erect a Confederate monument upon the public square of said county, at the county seat thereof, and if the same shall be so erected it shall not be lawful thereafter for the authorities of said county, or other person or persons whatever, to disturb or interfere with any monument so erected, or to prevent said citizens from taking all proper measures and exercising all proper means for the protection, preservation, and care of such monument.

2. This act shall be in force from its passage.

CHAP. 308.—An ACT to amend and re-enact sections 2 and 4 of an act of the general assembly of Virginia, approved March 4, 1896, entitled "an act providing for the working, opening, and keeping in repair the roads in the county of Lunenburg, and for the building and keeping in repair the bridges in said county.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That sections two and four of an act of the legislature of Virginia, approved March fourth, eighteen hundred and ninety-six, entitled "an act providing for the working, opening, and keeping in repair the roads in the county of Lunenburg, and for the building and keeping in repair the bridges of said county," be amended and re-enacted so as to read as follows:

2. The board of supervisors of said county shall, before the month of October in each year, nominate a suitable person to the court of said county as superintendent of roads and bridges of said county. And it shall be the duty of said court, upon receipt of such nomination, if it approves the same, at the next term thereof to appoint such person as such superintendent; who shall hold his office for the term of one year, commencing on the first of January next succeeding his appointment, and in case the court shall not concur in the nomination made by the board at any term, then another nomination or nominations shall be at once made by the board as herein provided, until a nomination is made which is concurred in by the court.

3. It shall be the duty of the superintendent to take charge of the maintenance, repair, alterations, and construction of the public roads and bridges of said county, shall keep and maintain the same in as safe condition for public travel as the means furnished him by the board of supervisors will permit. He shall have the right to take from convenient lands such material as he may deem necessary for use on said roads or bridges, and to make such use of said lands for draining purposes as are conferred by existing laws upon road surveyors, and the said superintendent shall, whenever he deems such change desirable or proper, have the power to move any existing road from its present location to the land immediately adjoining, and to assess the damage to the owner of any land so taken, and if the owner of said land is not willing to accept the amount of damage so allowed by the superintendent, he shall have the right to appeal to the court of his county, where the matter shall be determined and the amount of damages ascertained, but said land owner shall be entitled to a jury if he shall ask for one.

4. This act shall be in force from its passage.

CHAP. 309.—An ACT to amend and re-enact section 1 of an act approved April 2, 1902, entitled an act for the relief of J. T. Mills.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved April second, nineteen hundred and two, entitled an act

for the relief of J. T. Mills, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the board of fisheries be authorized and empowered to inquire into the facts concerning said erroneous assessment against said J. T. Mills, and if they shall find it, in their discretion, to be a proper case for relief, to authorize and direct the oyster inspector of the district wherein said bottom lies, or the inspector of any district wherein said J. T. Mills holds oyster bottom, to allow the said J. T. Mills on his future dues for rent, credit and abatement for such sum as he has erroneously paid to the State, if any.

2. This act shall be in force from its passage.

CHAP. 310.—An ACT to amend and re-enact section 448 of the Code as amended by an act approved January 22, 1894, in relation to the number of commissioners of the revenue, so as to provide for one commissioner for each magisterial district of the county of Caroline.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section four hundred and forty-eight of the Code of Virginia, as amended by an act approved February twenty-five, eighteen hundred and ninety-two, as amended by an act approved January twenty-two, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 448. Number of commissioners of the revenue; when and how districts changed; voters in a city not to vote for commissioners of a county. There shall be four commissioners of the revenue for each of the counties of Bedford, Franklin, and Pittsylvania; three for each of the counties of Carroll, Grayson, Halifax, Hanover, Patrick, Smyth, Tazewell, Campbell, and Lee; two for each of the counties of Accomac, Albemarle, Amherst, Bath, Botetourt, Brunswick, Buchanan, Buckingham, Charlotte, Chesterfield, Culpeper, Cumberland, Dickenson, Dinwiddie, Fairfax, Floyd, Frederick, Fluvanna, Henry, Henrico, Louisa, Lunenburg, Madison, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Orange, Prince William, Russell, Roanoke, Scott, Southampton, Spotsylvania, Sussex, Stafford, Washington, Wise, and Wythe; one for each magisterial district in the counties of Augusta, Fauquier, Loudoun, Rockbridge, Rockingham, Alleghany, Caroline, and Shenandoah; one for every other county now existing, or which may be hereafter created, and one for each city; but the voters residing within any city shall not vote for the commissioner of the revenue for the county within the limits of which such city lies. In those counties in which there may be more than one commissioner each shall be for a certain district, the bounds of which shall be as now laid off and established, and the circuit court of any of said counties may, annually, at the April term in any year, make any change in said districts which to it shall seem proper.

2. This act shall be in force from its passage.

CHAP. 311.—An ACT to fine or punish minors between the age of eighteen and twenty-one years for obtaining spirituous or malt liquors by false representations.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That any minor between the age of eighteen and twenty-one years, who shall obtain spirituous or malt liquors from any licensed vendor of such liquors by willfully and falsely representing to such vendor that he is over twenty-one years old, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined the sum of five dollars; and his failure to pay said fine shall subject him to imprisonment in the county or city jail, as the case may be, for a period of ten days.

2. This act shall be in force from its passage.

CHAP. 312.—An ACT to amend and re-enact chapter 70 of the Code of 1887 as amended by an act approved March 6, 1890, as amended by act approved March 1, 1892, relating to appointment of visitors, and by act approved February 23, 1894, giving the assent of Virginia to certain endowments provided by act of congress, and by act approved March 5, 1896, amending sections 1586 and 1592 of the Code in relation to payment of interest and declaring the board of visitors a corporation under control of general assembly, and by act approved February 18, 1896, as amended by act approved March 6, 1900, providing for the protection of domestic animals and authorizing the establishment of live stock quarantine lines, rules, regulations, etc.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy, Code of eighteen hundred and eighty-seven, in regard to the management of the Virginia Agricultural and Mechanical College and Polytechnic Institute and the Hampton Normal and Agricultural Institute, as amended by an act approved March sixth, eighteen hundred and ninety, as amended by act approved March first, eighteen hundred and ninety-two, relating to appointment of visitors, and by act approved February twenty-third, eighteen hundred and ninety-four, giving the assent of Virginia to certain endowments provided by act of congress, and by act approved March fifth, eighteen hundred and ninety-six, amending sections one thousand five hundred and eighty-six and one thousand five hundred and ninety-two of the Code in relation to payment of interest, and declaring the board of visitors a corporation under control of general assembly, and by act approved February eighteenth, eighteen hundred and ninety-six, as amended by act approved March sixth, nineteen hundred, providing for the protection of domestic animals, and authorizing the establishment of live-stock quarantine lines, rules, and regulations, be amended and re-enacted so as to read as follows:

§ 1586. Payment of interest to the college and institute.—The general assembly having accepted the donation of lands proffered to Virginia by the act of congress of July second, eighteen hundred and sixty-two, with the conditions and provisions therein contained, and the authorities of the

State having received from the government of the United States the land scrip she was entitled to under said act of Congress, and the board of education having, in conformity with the acts of February seventh, eighteen hundred and seventy-two, and March nineteenth, eighteen hundred and seventy-three, made sale of the scrip and invested the proceeds in the purchase of State bonds, which were directed to be set apart and to constitute an education fund, the annual interest whereof was to be apportioned as follows—that is to say: One-third thereof to the Hampton Normal and Agricultural Institute, and two-thirds thereof to the Preston and Olin Institute, on certain conditions in said act of March nineteenth, eighteen hundred and seventy-two, named, one of which was that the name of the said Preston and Olin Institute should be changed to the Virginia Agricultural and Mechanical College, which has been done accordingly; and the general assembly having by act of February twenty-sixth, eighteen hundred and seventy-seven, directed the bonds aforesaid to be turned over to the second auditor, who was required, in lieu of the same, to substitute a statement prepared and signed in duplicate by the treasurer and countersigned by the second auditor, showing the number, size, and character of said bonds, with the amount of interest due on them, severally, which statement was to have all the validity and force of the bonds themselves, and that the accruing interest should be paid in accordance with the acts already referred to, all of which has been done; all of said acts and the proceedings of the State officers thereunder are recognized as valid and binding. And it being deemed advisable to add to the name of the said college the words “and Polytechnic Institute,” so that said college shall hereafter be known as the Virginia Agricultural and Mechanical College and Polytechnic Institute, it is enacted that the annual accruing interest as aforesaid shall continue to be paid until otherwise provided by law, as follows—that is to say: One-third thereof to the Hampton Normal and Agricultural Institute, in the county of Elizabeth City, and two-thirds to the board of visitors of the Virginia Agricultural and Mechanical College and Polytechnic Institute, in the county of Montgomery, on the conditions prescribed as aforesaid. And the general assembly of Virginia having by act approved February twenty-third, eighteen hundred and ninety-four, assented to the grants of money made under and in accordance with the act of congress, approved August thirtieth, eighteen hundred and ninety, it is enacted that the auditor of public accounts shall receive from the secretary of the interior of the United States such sums of money as shall be allotted to Virginia, under and in accordance with the act of congress aforesaid, approved August the thirtieth, eighteen hundred and ninety, and shall pay over the same as follows—that is to say: One-third thereof to the treasurer of the Hampton Normal and Agricultural Institute, and two-thirds thereof to the treasurer of the Virginia Agricultural and Mechanical College and Polytechnic Institute, who shall receive and disburse the same as required by section two of the act of congress aforesaid.

§ 1587. Students who may attend the college free of charge.—A number of students equal to four times the number of members of the house

of delegates, to be apportioned in the same manner, shall have the privilege of attending said college without charge for tuition, use of laboratories, or public buildings, to be selected by the school trustees of the respective counties, cities, and election districts for said delegates, with reference to the highest proficiency and good character, from the white male students of the free schools of their respective counties, cities, and election districts, or, in their discretion, from others than those attending said free schools.

§ 1588. Reversion of property on withdrawal of annuity.—If at any time the said annuity should be withdrawn from the said college the property, real and personal, conveyed and appropriated to its use and benefit by the trustees of the Preston and Olin Institute, and by the county of Montgomery, shall revert to the said trustees and to the said county, respectively, from which it was conveyed and appropriated.

§ 1589. Curriculum of the college.—The curriculum of the said college shall embrace such branches of learning as relate to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics.

§ 1590. How long students may attend free of charge.—The said students, privileged to attend the college without charge for tuition, use of laboratories, or public buildings, shall continue to be selected for the period of two years: provided, that on the recommendation of the faculty of the said college for more than ordinary diligence and proficiency, any student so selected may be continued by the said board of visitors for a longer period.

§ 1591. Appointment of visitors of the college.—The governor, by and with the advice and consent of the senate, shall appoint eight persons from farmers, mechanics, and graduates of said college, as visitors of said college, selected, if practicable, two from each of the four grand divisions of the State. Of the visitors now in office, that is, the four whose term of office expires on the first of January, nineteen hundred and four, shall hold office until the first of July, nineteen hundred and four, and the four whose term of office expires on the first of January, nineteen hundred and six, shall hold office until the first of July, nineteen hundred and four. Within six months preceding the day on which the term of office, respectively, of the said members of the board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned four persons who shall hold office for two years from the first of July, nineteen hundred and four, and four who shall hold office for four years from the first of July, nineteen hundred and four, respectively. Within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so to be occasioned persons whose term of office shall be four years from that date. If a vacancy occur during the recess of the general assembly the governor shall fill it by appointment for the unexpired term of the late incumbent, subject to the ratification of the senate at the next session of the general assembly. The

eight persons so appointed, together with the superintendent of public instruction, and the president of the board of agriculture, who shall be ex-officio members, shall constitute the board of visitors.

§1592. Board of visitors a corporation and under control of general assembly.—The said board of visitors shall be and remain a corporation under the name and style of the board of visitors of the Virginia Agricultural and Mechanical College and Polytechnic Institute, and shall at all times be under the control of the general assembly. All acts and parts of acts relating to the Virginia Agricultural and Mechanical College, or to the board of visitors of the Virginia Agricultural and Mechanical College, shall be construed as relating to the Virginia Agricultural and Mechanical College and Polytechnic Institute or the board of visitors of the Virginia Agricultural and Mechanical College and Polytechnic Institute.

§ 1593. Rector and clerk; quorum.—The board of visitors shall appoint from their own body a rector, who shall preside at their meetings, and, in his absence, a president pro tempore. They shall also appoint a clerk to the board. A majority of the board shall constitute a quorum.

§ 1594. When office of visitor deemed vacant.—If any visitor fail to perform the duties of his office for one year without good cause shown to the board, the said board shall, at the next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the same to the governor, and the office of such visitor shall thereupon be vacant. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the governor by the rector or any member of the board, or by the chairman of the faculty, the offices of all the visitors failing to attend shall be vacant.

§ 1595. Meetings of board.—The said board shall meet at Blacksburg, in the county of Montgomery, at least once a year, and at such other times or places as they shall determine, the days of meeting to be fixed by them. Special meetings of the board may be called by the governor, the rector, or any three members. In either of said case, notice of the time and place of meeting shall be given to every other member.

§ 1596. Their duties; and expenses.—The said board shall be charged with the care and preservation of the property belonging to the college. They shall appoint as many professors as they deem proper, and, with the assent of two-thirds of the members of the board, may remove any professor or other officer of the college. They shall prescribe the duties of each professor and the course and mode of instruction. They shall appoint a president of the college, and may employ such agents or servants as may be necessary; shall regulate the government and discipline of the students; and, generally, in respect to the government of the college, may make such regulations as they deem expedient, not contrary to law. Such reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of the funds of the college.

§1597. Professors' salaries; fees of students.—Each professor shall receive a stated salary, to be fixed by the board of visitors; and the board

shall fix the fees to be charged for tuition of students other than those allowed under this chapter to attend the college, free of tuition, which shall be a credit to the fund of the college.

§ 1598. Experimental farms and laboratories.—A portion of the fund, not exceeding ten per centum of the proportion assigned to the said college and the said institute, may be expended, in the discretion of the boards of visitors of the said institutions, respectively, in the purchase of lands for experimental farms for each of them; and a portion of the accruing interest may be, from time to time, expended by the respective boards in the purchase of laboratories suitable and appropriate for the said institutions.

§ 1599a. Agricultural experiment station.—The agricultural experiment station established at the said college shall be continued, and the same to be maintained by such appropriations as the congress of the United States may make for the purpose. First. That it shall be the duty of the board of control of the experiment station of the Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg to protect the domestic animals of this State from all contagious or infectious diseases of a malignant character, whether said diseases exist in the State or elsewhere, and for this purpose they are hereby authorized and empowered to establish, maintain, and enforce such quarantine lines and sanitary rules and regulations as they may deem necessary. It shall also be the duty of said board to co-operate with live stock quarantine commissioners and officers of other States and Territories, and with the United States secretary of agriculture in establishing such interstate quarantine lines, rules, and regulations as shall best protect the live stock industry of this State against Texas or splenic fever. It shall be the duty of said board, upon receipt by it of reliable information of the existence among the domestic animals of the State of any malignant disease, to cause the veterinarian employed at said experiment station to go at once to the place where any such disease is alleged to exist and make a careful examination of the animals believed to be affected with any such disease, and ascertain, if possible, what, if any, disease exists among the live stock reported to be affected; and whether the same is contagious or infectious; and if said disease is found to be of a malignant, contagious, or infectious character, they shall direct and enforce such quarantine lines and sanitary regulations as are necessary to prevent the spread of any such disease. And no domestic animal infected with disease or capable of communicating the same shall be permitted to enter or leave the district, premises or grounds so quarantined, except by authority of the said board or its veterinarian. The said board shall also, from time to time, give and enforce such directions and prescribe such rules and regulations as to separating, feeding, and caring for such diseased and exposed animals as they shall deem necessary to prevent the animals so affected with such disease, or capable of communicating disease, from coming in contact with other animals not so affected. And the said board and its veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act.

Second. When the said board shall have determined the quarantine, lines and other regulations necessary to prevent the spread among domestic animals of this State of any malignant, contagious, or infectious disease found to exist among the live stock of this State, or elsewhere, and given their orders as hereinbefore provided, prescribing quarantine and other regulations, they shall notify the governor of the State, who shall issue his proclamation, proclaiming the boundary of such quarantine around such diseased stock, and the orders, rules, and regulations prescribed by the board; and said board shall give such notice as to it may seem best to make the quarantine established by them effective.

Third. The said board shall have power to carry into full effect all orders by them given, as hereinbefore provided, and the expense incurred by it shall be paid out of the treasury of the State on warrants drawn by the chairman of said board: provided, that no expense shall be incurred except such as may be necessary to carry into effect the necessary quarantine and other regulations prescribed by said board. And said board shall have the power to direct the veterinarian employed at said experiment station to assist it in the investigation of the diseases amongst the live stock of this State whenever they may deem his services necessary: provided, that no compensation shall be paid said veterinarian other than his actual expenses while engaged in such duties.

Fourth. When the said board shall have good reason to believe that the health of the live stock of the State is endangered by the existence of contagious and infectious diseases in certain localities in other States, Territories, or counties, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, they shall notify the governor, who shall by proclamation prohibit the importation of any live stock of the kind diseased into the State, unless accompanied by a certificate of health given by a properly authorized veterinarian, and all such animals arriving in this State shall be examined immediately by a veterinarian designated by the board, and if, in his opinion, there is any danger from contagion or infection, they shall be placed in close quarantine at the expense of the owner until such danger of infection or contagion is passed, when they shall be released by order of the said veterinarian.

Fifth. It shall be the duty of the railway corporations doing business in the State to cleanse and disinfect the cars used by them in transporting live stock in or through this State at such times and places and in such manner as the board may designate, whenever, in the opinion of the board, any such order may be necessary to prevent the spread of infectious or contagious disease. Any such corporation violating the provisions of this section shall be liable to a penalty of five hundred dollars for each offense, to be recovered in a civil action, to be prosecuted under the direction of the attorney-general in the name of the Commonwealth of Virginia.

Sixth. Any railroad company, navigation company, or other corporation or common carrier, who shall knowingly or wilfully violate, disregard,

or evade any of the rules or directions of the board or veterinarian, establishing or governing quarantine, or who shall evade or attempt to evade, any quarantine proclamation of the governor of this State declaring quarantine limits, upon conviction thereof shall be fined not less than five hundred dollars, nor more than five thousand dollars, for each and every offense, and shall be liable for all damages caused to any live stock by its failure to comply with the requirements of this act.

Seventh. It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, suspects, or has reason to believe that any of his domestic animals, or domestic animals in his charge, are affected with any contagious or infectious disease, to immediately report such fact, belief, or suspicion to the said board, and to the chairman of the board of supervisors of the county in which said domestic animals are found.

Eighth. The board of supervisors of each county, whenever any cases of contagious or infectious diseases are reported to them in their county, shall immediately investigate the same. The investigation may be by the board, or any member thereof, or by the employment of a qualified veterinarian; and should such investigation show a reasonable probability that a domestic animal is affected with a contagious or infectious disease, the supervisors shall immediately establish such temporary quarantine as may be necessary to prevent the spread of the disease, and report all action taken to the board of control of the experiment station of the Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg, or some member thereof; and the acts of the supervisors establishing temporary quarantine shall have the same force and effect as though established by the board of control itself, until such time as the said board of control shall take charge of the case or cases. And that the boards of supervisors of each county be hereby authorized and empowered to quarantine against any other county in the State of Virginia on account of Texas or splenic fever or parasites, which may convey said disease, under the supervision of the board of control of the Virginia agricultural experiment station, or its veterinarian. Before establishing such county quarantine the board of supervisors shall advise with the board of control, or its veterinarian, and the county quarantine established by the board of supervisors shall conform to the rules and regulations which may be prescribed by the board of control, or its veterinarian. It shall be the duty of the board of supervisors to rigidly enforce any such quarantine established in their county, and all expenses incurred by the supervisors in carrying out such quarantine shall be paid in like manner as other expenses incurred by said supervisors in the discharge of their official duties. The quarantine established against other infected counties may be so established without proclamation by the governor.

Ninth. Any person who shall knowingly bring into this State any domestic animal which is infected with any contagious or infectious disease, or any animal which has been exposed to any contagious or infectious disease, or which bears upon its body fever-ticks, or other germs

or causes of disease, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars.

Tenth. Any person who owns or who is in possession of live stock which is reported to be affected with any contagious or infectious disease, or insects which may produce disease, who shall refuse to allow said board, or any one acting under its order, to examine such stock, or shall hinder or obstruct the said board or appointee in any examination of, or any attempt to examine such stock, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars.

Eleventh. Any person who shall have in his possession any domestic animal infected with any contagious or infectious disease or fever-ticks, knowing such animals to be affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected by, or previously exposed to such disease, may be exposed to its infection or contagion, or who shall ship, drive, sell, trade, or give away such diseased animal or animals which have been exposed to such infection or contagion, or who shall move or drive any domestic animal in violation of any direction, rule, regulation, or order of the board of control, establishing and regulating live stock quarantine, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars for each of such exposed or diseased domestic animals which he shall permit to run at large, or sell, ship, drive, trade, or give away in violation of the provisions of this act: provided, that any owner of domestic animals which have been affected with or exposed to any contagious or infectious disease may dispose of the same after having obtained from said board or veterinary surgeon a bill of health for such animal or animals.

Twelfth. The said board shall have power to call upon any sheriff or deputy sheriff, or constable, to execute their orders, and such officer shall obey the orders of said board, and the officer or officers performing these duties shall each be entitled to one dollar and fifty cents per day for himself and horse, which payment shall be made upon a sworn account, approved by said board: provided, said expenses under this section shall not exceed in any event five hundred dollars per annum.

Thirteenth. Except as otherwise provided in this act, any person who shall violate, disregard, evade, or attempt to violate, disregard, or evade any of its provisions, or who shall violate, disregard, or evade, or attempt to violate, disregard, or evade any of the rules, regulations, orders, or directions of the said board establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars.

Fourteenth. Be it further enacted, That the disease known as tuberculosis shall be classed as a highly contagious and infectious disease, and such measures shall be taken by the board and its authorized veterinarian

as to them may seem necessary to eradicate and prevent the spread of said disease.

§ 1600. Bond of treasurer.—The board shall require the treasurer, or officer in whose hands the funds of the college may be placed, to give bond in double the amount of the annual income of the college, payable to the Commonwealth, with condition for the faithful discharge of the duties of his office, which bond, being approved by the board and entered at large on its journal, shall be transmitted to the auditor of public accounts, and remain filed in his office.

§ 1601. Donations to the college.—It shall be lawful for the board to accept the subscription of any county made under an act to authorize subscriptions in aid of the said college, approved March twenty-first, eighteen hundred and seventy-two, and also the donation of any individual, in aid of the purposes and objects of said college; and such donations and subscriptions, when made, shall be held by said board in trust for the benefit of said college, on condition that the same shall revert to the several donors or subscribers, *pari passu*, if at any time the State of Virginia should withdraw from the use of the said college the interest accruing on the proceeds of the land scrip, as provided in this chapter.

§ 1602. Conditions of the annuity to the institute; curators of the fund.—The said appropriation to the Hampton Normal and Agricultural Institute is upon condition that the trustees thereof shall continue to maintain and support therein one or more schools or departments wherein the leading object shall be instruction in such branches of learning as relate especially to agriculture, the mechanic arts, and military tactics. On the first day of January, eighteen hundred and eighty-nine, and on the first day of January in every fourth year thereafter, the governor shall appoint six persons, citizens of the Commonwealth, three of whom shall be of African descent, as curators of the fund appropriated as aforesaid, to the said institute. The present curators, unless sooner removed, shall continue in office until the first day of January, eighteen hundred and eighty-nine.

§ 1603. Selection of students.—The trustees of said institute may select not less than one hundred students, with reference to their character and proficiency, from the colored free schools of the State, who shall have the privilege of attending the said institute on the same terms that State students are allowed to attend the agricultural and mechanical college, under section fifteen hundred and ninety.

§ 1604. Treasurer of institute; his appointment and bond.—The curators of the said institute shall appoint a treasurer, who may be allowed a reasonable compensation, and who shall be required to enter into bond, payable to the Commonwealth, in a penalty at least double the amount of the annual income which may arise from the proceeds of the land scrip apportioned to said institute, and with condition for the faithful discharge of the duties of his office.

§ 1605. Board of education to turn over funds to institute and college; payment of interest on debt of State held by them.—The board of education shall pay and turn over to the said treasurer for the said institute,

and to the board of visitors of the Virginia Agricultural and Mechanical College and Polytechnic Institute, all funds received by them for the use and benefit of said institutions, respectively; and the second auditor shall draw on the public treasury in favor of the said treasurer and board of visitors, respectively, from time to time, until otherwise ordered, for the same rate of interest as may be paid by act of the general assembly to other incorporated colleges or seminaries of learning in this State, on all bonds of the Commonwealth, or bonds guaranteed by the Commonwealth, held by or for such institutions.

§ 1606. Annual report of college and institute.—An annual report shall be made by the president of each of said institutions, after the close of each collegiate year, to the board of visitors, of the condition of each institution, its receipts and disbursements during the preceding year, the amount of salary paid to each professor, the amount received in tuition fees from pay students, any improvements and experiments made, with their costs and results, and such other matters, including State, industrial, and economical statistics, as may be supposed useful; a copy of which shall be furnished to the superintendent of public instruction, to be laid before the general assembly at its next regular session.

§ 1607. Power of general assembly.—The general assembly reserves to itself the power, at any time, to repeal or alter any provisions of this chapter, and to withdraw from either of said institutions the whole or any part of the appropriations made to them.

CHAP. 313.—An ACT to amend and re-enact section 51 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved February 16, 1903.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section fifty-one of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, nineteen hundred and three, be amended and re-enacted, so as to read as follows:

§ 51. For the privilege of peddling or bartering in any county, city, or town, there shall be paid two hundred and fifty dollars for each person so engaged or employed, when he travels on foot, and when he peddles otherwise than on foot, the tax paid shall be five hundred dollars, except that the tax on peddlers of milk, butter, eggs, poultry, fish, oysters, game, fruit, and farm products not grown or produced by them, shall be fifty dollars for each vehicle used in such peddling, and except that the tax of peddlers of lightning rods shall be two hundred dollars, and that peddlers in coal and wood in cities of over forty thousand inhabitants, who peddle the same from vehicles, shall pay a tax of fifty dollars for each

vehicle used: provided, that no State license tax shall be imposed on peddlers of meat, where sold in the country, or of eggs, poultry, fish, or oysters wherever sold. Every vehicle used in peddling as aforesaid shall have conspicuously displayed thereon the name of the peddler using the same, together with the street and number of his residence, if he reside in any city or town. It shall be the duty of the commissioner of the revenue to issue a peddler's license to a person desiring to obtain the same, upon presentation to him of the certificate of the county or city treasurer that the license tax has been paid to him. Nothing under this or the preceding section shall be construed to require of any farmer a peddler's license for the privilege of selling or peddling farm products, wood, or charcoal grown or produced by him.

2. This act shall be in force from its passage.

CHAP. 314.—An ACT to amend and re-enact section 3049 of the Code of Virginia as amended by an act approved March 5, 1894, as amended by an act approved January 27, 1903, as amended by an act approved April 27, 1903.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty hundred and forty-nine of the Code of Virginia, as amended and re-enacted by an act approved March fifth, eighteen hundred and ninety-four, as amended by an act approved January twenty-seventh, nineteen hundred and three, as amended by an act approved April twenty-seventh, nineteen hundred and three, entitled an act to amend and re-enact section thirty hundred and forty-nine of the Code of Virginia, as amended, in relation to what judge may hold court when the regular judge thereof fails, or is unable to hold the same; pay, mileage, and so forth, be amended and re-enacted so as to read as follows:

§ 3049. When the judge of a county, circuit, or any city court fails or is unable to hold the same, what judge may do so; when governor may designate a judge to do so, or may fill a vacancy; compensation.—If a judge of a county, circuit, or a city court be unable or fail to attend a regular term of his court, or be prevented by sickness from sitting during the whole term, or any part thereof, the fact shall be certified by the judge, the clerk of the court, or the Commonwealth's attorney of said county or city to the governor, who shall designate a county judge to hold said court, if it be a county court, or a judge of a circuit or city court, if it be a circuit or city court. If any judge so designated shall be prevented by the duties of his own court or by sickness from holding said term or all of the part thereof for which he was designated, he shall so inform the governor, who shall designate another judge of a court of similar jurisdiction to hold said court for the said term, or for so much of the remainder of said term as the judge first designated cannot hold. And if the judge of any county, circuit, or city court shall be so situated as to render it improper, in his judgment, for him to decide any case or proceeding, or preside at any trial, civil or criminal, he shall so enter of record, and the clerk of

said court shall at once certify the same to the governor, who shall designate a judge of a county court to decide such case or preside at such trial, if it be in a county court, or a judge of a circuit or city court, if the case or proceeding be in a circuit or city court. When a vacancy shall occur in the office of judge of a county, circuit, or city court, the clerk of such court shall certify the fact to the governor, who is hereby authorized, instead of appointing at once a successor, as prescribed by the Constitution, to designate a judge of any other county court to hold the then or next regular term of the county court in which such vacancy exists, and to designate a judge of any other circuit or city court to hold the then or next regular term of the circuit or city court in which such vacancy exists. For any service rendered under any designation authorized by this section the judge shall receive the mileage provided by law and five dollars per day for the time he is actually engaged in holding court, if he shall preside over a county court or a circuit court of a county, and mileage and ten dollars per day if he shall preside over a circuit court in a city or over a city court; such mileage and compensation to be paid out of the treasury of the county or city in which said court is held. Any judge of a circuit or city court may hold court without compensation for the judge of another circuit or city court at his request.

2. This act shall be in force from its passage.

CHAP. 315.—An ACT amending section 819 of Code in relation to the residence of county, district, and corporation officers.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and nineteen of the Code be amended and re-enacted so as to read as follows:

§ 819. Where officers shall reside.—Every county or district officer shall, at the time of election or appointment, reside in the county or district for which he is elected or appointed. Every county officer shall, at the time of his election or appointment, have resided for twelve months next preceding his election in the county for which he is elected or appointed, or in the city wherein the courthouse of such county is: provided, that if no practicing lawyer residing in the county offer for election or appointment, it shall be lawful to elect or appoint as attorney for the Commonwealth, for such county, a non-resident, or one who has resided in such county one year: and provided, further, that when the county courthouse is located within an incorporated town, residence in such town shall for the purposes of this section be deemed to be a residence in the district, a part of which is a part of said town.

2. This act shall be in force from its passage.

CHAP. 316.—An ACT to authorize John D. Armstrong to erect a dock, pier, or watch-house upon his oyster ground in James river.

Approved May 20, 1903.

1. Be it enacted by the general assembly of Virginia, That John D. Armstrong be, and he is hereby, authorized and empowered to erect a dock, pier, or watch-house upon the oyster ground rented by him from the State of Virginia, which said oyster ground is located in the James river, in the county of Nansemond, and is between Hoffer's creek and Pig Point: provided, however, that said dock, pier, or watch-house shall not obstruct navigation, and shall be subject to the laws of this Commonwealth governing wharves, docks, or piers erected in the waters of this State.

2. This act shall be in force from its passage.

CHAP. 317.—An ACT to provide for making enumerations to determine the population of a town or city, as provided for by section 116 of the Constitution of Virginia.

Became a law, without the governor's signature, May 21, 1903.

1. Be it enacted by the general assembly of Virginia, That when it shall appear to be necessary for the county, corporation, hustings, or circuit courts of this Commonwealth, or the judges thereof, or of any one of them, to determine the exact population of any city, town, or county, or any part of any of them, located within this State, it shall be lawful for any one of the said courts, or the judges thereof in vacation, to appoint one enumerator for every five thousand inhabitants (the number to be estimated by such court or judge), whose duty it shall be, after being first duly sworn for the purpose by some officer qualified to administer oaths in this Commonwealth, to proceed to take a census of such city, town, or county, or part thereof, and as soon thereafter as practicable, to return to such court a report under his or their hands, setting forth the names, occupation, and age of all the inhabitants residing within the limits of such city, town, or county at that time. At the foot of such statement shall be subjoined an oath to the effect that the statement or report contains the names of all of the inhabitants on that day, to the best of his or their knowledge and belief. The said enumerator shall receive such compensation for his services as the court may think proper, the same to be paid upon the recommendation of the court out of the treasury of such city, town, or county, as the case may be.

2. This act shall be in force from its passage.

CHAP. 318.—An ACT to require the owners or proprietors of hotels, inns, houses of private entertainment, and other houses kept for the lodging and entertainment of the public, where gas is used for the purposes of illumination or heating, to post notices containing a warning and directions for the use of the same for the guidance of their guests.

Became a law, without the governor's signature, May 21, 1903.

1. Be it enacted by the general assembly of Virginia, That every owner or proprietor of any hotel, inn, house of private entertainment, or other house, licensed and kept for the lodging and entertainment of the public in this State, wherein gas is used for the purpose of illuminating or heating the bed rooms occupied by the guests at such hotel, inn, house of private entertainment, or other house kept for said purpose of lodging and entertainment, shall post conspicuously at some place on the walls of each of such bed rooms a notice in large type, calling attention to the danger therefrom, and giving directions as to how the same is to be lighted and extinguished.

2. Any owner, proprietor, or person conducting such hotel, inn, house of private entertainment, or other house licensed and kept for the lodging and entertainment of the public in this State, who shall fail to post such notices as hereinbefore required, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

3. This act shall be in force from its passage.

CHAP. 319.—An ACT to amend and re-enact section 85 of the Code of Virginia as amended and re-enacted by an act approved July 28, 1902, making registrars conservators of the peace.

Became a law, without the governor's signature, May 26, 1903.

1. Be it enacted by the general assembly of Virginia, That section eighty-five of the Code of Virginia, as amended and re-enacted by an act approved July twenty-eighth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 85. Registrars to be conservators of the peace; to preserve order.—Every board of registrars provided for by the Constitution, or their successors, for the years nineteen hundred and two and nineteen hundred and three, or a majority thereof, every registrar thereafter appointed, and every registrar for any town in this Commonwealth, shall preserve order at and in the vicinity of the place of registration; and to enable it or him to do so, they shall be clothed with all the powers of a conservator of the peace while engaged in the discharge of the duties imposed by law, may exclude from its sittings all persons whose presence it or he deems unnecessary, and may appoint special constables, not exceeding three in number in each magisterial district or ward, and may summon the by-standers, or other persons in the vicinity, to assist whenever in its judgment it shall be necessary to preserve order.

2. This act shall be in force from its passage.

CHAP. 320.—An ACT to validate certain records of the county court of the county of Bedford.

Approved November 14, 1903.

Whereas, the late Calloway Brown, judge of the county court of the county of Bedford, departed this life during his term of office without having signed the proceedings of the October term, nineteen hundred and three, of said court;

1. Be it enacted by the general assembly of Virginia, That the proceedings of the county court of the county of Bedford for the term beginning on the twenty-sixth day of October, nineteen hundred and three, as recorded by the clerk of said court, be, and the same are hereby, declared to be of the same force and effect as if the same had been duly read and signed by the presiding judge of said court during the term of said court, as by statute directed, and the clerk of said court is hereby directed to sign his name to said records in attestation thereof, and to note on the margin suitable reference to this act.

2. This act shall be in force from its passage.

CHAP. 321.—An ACT to require clerks of circuit courts of counties and corporation or hustings courts of cities to send to the secretary of the Commonwealth certified lists of county, district, and city officers, and to provide a penalty for failure to do so.

Approved November 17, 1903.

1. Be it enacted by the general assembly of Virginia, That the clerk of the circuit court of each county and the clerk of the corporation or hustings court of each city, shall annually, in the month of January, send to the secretary of the Commonwealth a list of all county, district, and city officers of their respective counties and cities. When a vacancy occurs in any county, district, or city office said clerks shall notify the secretary of the Commonwealth within ten days, and shall likewise notify the said secretary of the election or appointment and qualification of any officer to fill such vacancy within ten days after the qualification of such officer.

2. All such lists and notices sent to the secretary of the Commonwealth shall give the date of election or appointment and qualification of officer, the beginning and end of their terms of office, and shall be certified by the judge of the court under seal of the court, and attested by the clerk.

3. For the services required of them by this act said clerks shall receive fees, payable out of their respective county and city treasuries, as follows—viz.: For making and certifying a complete list of officers, one dollar; for certifying a vacancy, twenty cents, and for certifying an election or appointment and qualification to fill a vacancy, twenty cents.

4. Any clerk who fails to comply with the provisions of this act shall be fined not less than five dollars nor more than twenty-five dollars.

5. It shall be the duty of the judge of each circuit, corporation, or hustings court to see that the provisions of this act are complied with.

6. This act shall be in force on and after July first, nineteen hundred and three.

CHAP. 322.—An ACT to amend and re-enact section 16 of an act entitled an act to amend and re-enact chapter 573 of the acts of 1891-1892, entitled an act for opening and keeping in repair the public roads of Pulaski county, as amended by an act passed March 2, 1892, as amended by an act passed January 25, 1898, as amended by an act passed February 28, 1898, as amended by an act passed March 6, 1900, as amended by an act passed December 19, 1901, as to increasing the rate per hour paid day laborers for work on the roads in Pulaski county.

Approved November 25, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixteen of an act entitled an act to amend and re-enact chapter five hundred and seventy-three of the acts of eighteen hundred and ninety-one and eighteen hundred and ninety-two, entitled an act for opening and keeping in repair the public roads of Pulaski county, as amended by an act passed March second, eighteen hundred and ninety-two, as amended by an act passed January twenty-fifth, eighteen hundred and ninety-eight, as amended by an act passed February twenty-eighth, eighteen hundred and ninety-eight, as amended by an act passed March sixth, nineteen hundred, as amended by an act passed December nineteenth, nineteen hundred and one, be amended and re-enacted so as to read as follows:

§ 16. That it shall be the duty of each road commission, immediately after entering upon its duties of office, to divide the roads and bridges of their several districts into sections, a record of which divisions shall be filed with the clerk of the board of supervisors, and appoint a surveyor for such section or sections, whose duty it shall be to superintend and direct the opening, repairing, and keeping in order of the county roads, and make or repair all county bridges of their respective districts for which they are appointed in such manner and under such regulations and restrictions as may be prescribed by said commission. The term of office of such road surveyors shall be one year, commencing on the first day of August next succeeding their appointment. Such surveyors shall not be interested in any claim for work done or material furnished on any road in his district, and any claim for work done by such surveyor or any material furnished by him on any road in his district shall not be approved and paid by the board of road commission of the county, except for his own services. Said surveyors shall qualify as other district officers are required by law to qualify, and each of them shall enter into and acknowledge bond before the court or judge before whom he qualifies, with surety to be approved by such judge or court in the penalty of five hundred dollars. Such bond shall be payable to the board of supervisors of said county, and with conditions for the faithful discharge of his duties imposed under this act. A vacancy in the office of road surveyor shall be filled by the road commission of the district wherein the vacancy occurs. A recovery on any such bond shall be for the benefit of his road district. It shall be the duty of such surveyors to have charge of, and take proper care of, all tools, implements, and machines which may be placed in their charge by the road commissions, and at the end of their term of office, or whenever directed so to do by the road commission of his district, to deliver the same to his successor in office, or to such other person as the said commission may direct, and file receipt for same with said commission. Such surveyors shall be authorized to hire horses or mules by the day at a

rate not to exceed one dollar per day while actually engaged in work, when necessary. They shall be authorized, and it shall be their duty, to employ all necessary labor by the month or by the day, or both, as the said road commissions of the county shall deem best, and such day laborers shall be paid at a rate not to exceed fifteen cents per hour for the time actually engaged in work.

2. This act shall be in force from its passage.

CHAP. 323.—An ACT to amend and re-enact section 60 of the Code of Virginia, as amended by an act of the general assembly of Virginia approved April 2, 1902, entitled "an act to amend and re-enact sections 59 and 60 of an act of the general assembly of Virginia approved December 23, 1891, entitled an act amending sections 58, 59, and 60 of the Code of Virginia, in relation to the reapportionment of representation in the general assembly;" and to amend and re-enact section 61 of the Code of Virginia.

Approved November 25, 1903. *

1. Be it enacted by the general assembly of Virginia, That section sixty of the Code of Virginia, as amended by an act of the general assembly of Virginia approved April second, nineteen hundred and two, entitled "an act to amend and re-enact sections fifty-nine and sixty of an act of the general assembly of Virginia approved December twenty-third, eighteen hundred and ninety-one, entitled an act amending sections fifty-eight, fifty-nine, and sixty of the Code of Virginia, in relation to the reapportionment of representation in the general assembly," and section sixty-one of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 60. The senators shall be elected as follows: In the senatorial districts bearing even numbers there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, for the term of four years, to begin on the second Wednesday in January succeeding their election, members of the senate to represent such districts; in the senatorial districts bearing odd numbers, and in the city of Richmond to fill the vacancy which will occur on the second Wednesday in January, nineteen hundred and six, there shall be elected, on Tuesday after the first Monday in November, nineteen hundred and five, for a term of two years, to begin on the second Wednesday in January succeeding their election, members of the senate to represent such districts; and on Tuesday after the first Monday in November, nineteen hundred and seven, and every four years thereafter, there shall be elected for the term of four years, to begin on the second Wednesday in January succeeding their election, members of the senate to represent each senatorial district in the State: provided, that the term of the senator now residing in the city of Richmond, who, by the terms of the reapportionment act approved April second, nineteen hundred and two, is continued in office as one of the senators from the thirty-eighth senatorial district thereby created, be extended, as provided by the schedule to the Constitution, until the second Wednesday in January, nineteen hundred and six.

§ 61. How vacancies in general assembly filled.—When a vacancy oc-

curs during the recess of the general assembly by the death or resignation of a member thereof, or when a member-elect to the next general assembly shall die prior to its meeting, a writ of election to fill such a vacancy shall be issued by the governor, and when such vacancy happens during the session of the general assembly, of which the person so dying or resigning is a member, the writ shall be issued by the speaker of the house of delegates, or by the president of the senate, as the case may be.

Such writ shall be directed to the sheriff of the county or sergeant of the corporation for which the election is to be held, or to the sheriffs and sergeants of the respective counties and corporations composing the election district, or districts, for the election of senators or delegates, when the election is for such districts: provided, that whenever any district is changed after the election of a delegate or senator, and the delegate or senator shall die, resign, or be removed from office, the election to fill the vacancy shall be held in the district as constituted when the said delegate or senator was elected.

2. This act shall be in force from its passage.

CHAP. 324.—An ACT to amend and re-enact section 9 of an act approved April 27, 1903, entitled "an act to provide for holding elections in towns for the purpose of deciding upon the question of bond issue."

Approved November 25, 1903.

1. Be it enacted by the general assembly of Virginia, That section nine of an act entitled "an act to provide for holding elections in towns for the purpose of deciding upon the question of bond issue," approved April twenty-seventh, nineteen hundred and three, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 9. Nothing in this act shall be construed to modify, amend, or repeal the provisions of any town charter which prescribes a different method for ordering and holding an election or a different manner and purpose of issuing bonds.

2. This act shall be in force from its passage.

CHAP. 325.—An ACT to amend and re-enact sections 3, 8, 9, and 17 of an act entitled an act to regulate the holding of city and ward primary elections in the city of Norfolk, Virginia, approved March 5, 1894, and to repeal section 4 of said act.

Became a law November 27, 1903, notwithstanding the objections of the governor.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to regulate the holding of city and ward primary elections in the city of Norfolk, Virginia, approved March fifth, eighteen hundred and ninety-four, be, and the same is hereby, repealed; and that sections three, eight, nine, and seventeen of the said act be amended and re-enacted so as to read as follows:

§ 3. The said local executive committee shall receive the names of all

persons who propose to be candidates for the offices to be voted for at said ensuing general election, or for delegates to city, senatorial, district, or State convention, or for members of the city executive committee of such party, and shall close the lists of the same ten days (including Sundays) prior to the date on which it is proposed to hold the same, and shall call a meeting of candidates to assemble not later than three days after closing said lists to elect by ballot eight qualified voters—one from each ward and one at large—who shall act as an electoral board, and who shall appoint three judges and two clerks for each precinct or ward, who shall be voters in their respective wards, in the said city, at which it is proposed to hold said city or ward primary elections. No voter shall be qualified to act as a member of said electoral board who shall be a candidate for office or position, or be holding any office or position, or who shall receive less than two-thirds of all the votes of all the candidates who shall have been listed.

§ 8. The board of registrars of each ward, or the proper registration officers thereof, shall, five days before said city or ward primary elections, have a complete copy in ink made of the registration books of his ward, purging therefrom the names of all voters who by law from any cause should be purged therefrom by said board of registrars or by said registration officers, and said board or said registration officers shall place their initials after the last name on each page of said copy, and shall certify to the correctness of said copy before any officer authorized to administer an oath. Said copies shall be turned over by said board of registrars or said registration officers to the said electoral board or boards five days before said city or ward primary, and said electoral board or boards may require the attendance of said board of registrars or said registration officers, and may verify the copy of the registration books furnished by them, and said electoral board or boards shall, not later than the day previous to the proposed city or ward primary election, deliver to the judges of election appointed for each precinct or ward a copy of the registration book or books belonging to such precinct or ward. For making and certifying such copy of the registration books for any precinct, said board of registrars or said registration officers shall receive the sum of five dollars, to be paid from such fund as may be raised by such party holding such city or ward primary elections.

No person shall be allowed to vote in any city or ward primary election unless his name shall appear properly registered in said copy of the registration books.

§ 9. Only such candidates for salaried office as shall receive a majority of votes cast in said city or ward primary elections shall be considered nominated; and should no candidate receive a majority of the votes cast for the office for which he is running the first day of said primary election, a second day's primary election shall be held in like manner to decide between the two candidates for salaried officers receiving the highest number of votes at the first day's primary for any such office. In any primary election for councilman or delegates to conventions, or members of the executive committee, the number of candidates to which the ward is entitled who receive the highest number of votes shall be declared nominated.

§ 17. Within three days after any city or ward primary election, the copies of registration books used therein shall be delivered by the judges of each precinct or ward where the same have been used to the clerk of the corporation court, to be retained by him, subject to inspection by any person interested; but no book shall be withdrawn from him excepting by the board of registrars or the registration officers of the ward to which it belongs, for the purpose of correcting or purging it, to make it agree with the registration book, and to be used as a copy of the same at a city or ward primary election about to be held, as hereinbefore provided.

2. This act shall be in force from its passage.

CHAP. 326.—An ACT to provide for the preservation of the permanent registration rolls, and for the transfer of voters on said rolls, and for copy to be used for all purposes with same effect as the original.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the registration rolls or books made by the boards of registration appointed by the Constitutional Convention which assembled in Richmond on the twelfth day of June, nineteen hundred and one, and which, under the registration ordinance adopted by said convention, will be delivered to the registrars after the first day of January, nineteen hundred and four, shall be known as the permanent registration rolls or books, and shall be carefully preserved by the said registrars, and the voters on said rolls or books shall be kept separate from the voters whose names shall be entered on the registration books after the first day of January, nineteen hundred and four. If any person whose name is registered on said permanent roll shall move to another precinct, he shall be entitled to register therein after such residence therein, as is required by law, on the permanent roll upon transfer issued by the registrar having custody of the permanent roll upon which he last registered, and said transfer shall state that the voter's name is on the permanent roll, and a note of such transfer shall be made by the registrar upon the permanent roll in his possession. The registrar giving the transfer shall send a duplicate to the county court of his county, or to the clerk of the corporation or hustings court of a city, as a case may be, who shall note the same upon the permanent roll in his possession, and the registrar of the precinct to which said voter is transferred shall send a certificate of his registration to the county clerk of his county, or to the clerk of the corporation or hustings court of a city, as a case may be, who shall enter the voter's name upon the permanent roll in his office, and be entitled to the same fee for his service that the registrar is for registering a voter. And whenever any permanent roll or book of any precinct in the possession of the registrar shall be lost or destroyed, a copy of the permanent roll or book in the county clerk's office of the county, or in the office of the clerk of the corporation or hustings court of a city, as a case may be, shall be made and certified by the county court of the county or clerk of the corporation or hustings court of the city, as the case may be, and when so made and certified

shall be used for all purposes with the same force and effect as the original roll or book. The clerk for said services shall be allowed one cent for every fifteen words, to be paid out of the treasury of the said county or city.

2. This act shall be in force from its passage.

CHAP. 327.—An ACT to provide an appeal to any person denied registration.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That any person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or to the corporation court of the city, in which he offers to register, or to the judge thereof in vacation, by presenting to such court or judge, within ten days thereafter, a petition in writing to have his right to register determined, containing a statement of the facts proved before the said registrar, to which the registrar shall make answer in writing. The matter shall be heard and determined upon such petition and answer and such evidence as may be introduced in support thereof.

2. Such proceedings shall take precedence over all other business of the said court or judge, and shall be heard as soon as possible.

3. Upon the filing of such petition the clerk of the court shall at once give notice to the Commonwealth's attorney for his county or city, whose duty it shall be to appear and defend against said petition in behalf of the State.

4. Judgment in favor of the petitioner shall entitle him to registration. From judgment rendered against him a writ of error shall lie to the supreme court of appeals in favor of the petitioner.

5. This act shall be in force from its passage.

CHAP. 328.—An ACT to provide for contesting local option elections.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That returns in local option elections shall be subject to the inquiry, determination, and judgment of the circuit court of the county or corporation or hustings court of the city or town wherein the election was held, upon complaint of fifteen or more qualified voters of such county, corporation, or district of an undue election or false return. The complaint shall fully set out the grounds of contest, and if any votes were improperly received or rejected, shall give a list of said votes, with objections to the action of the judges of election in receiving or rejecting the same. Two of the persons making the complaint shall take and subscribe an oath that the facts therein stated are true to the best of their knowledge and belief.

The complaint shall be filed in the office of the clerk of the circuit court of the county, and of the clerk of the corporation or hustings court of the city or town in which such election is held.

Notice of contest, stating that the complaint has been filed in the clerk's office, shall be given by posting the same at the courthouse door and at two or more public places in said county, district, city, or town, as the case may be, and by publishing it once a week for two successive weeks in some newspaper published in said county, city, or town, or if there be none so published, then in some newspaper having circulation in said county, district, city, or town. If it is desired to take depositions, the time and place of taking the same shall be stated in said notice, which shall entitle the parties giving the same to take the depositions to be read as evidence in said contest.

Said complaint shall be filed and notice given within ten days after the election, otherwise the complaint shall not be valid.

Any one or more persons who voted at such local option election may, within thirty days from the said election, file in said clerk's office an answer to said complaint, in which any of the allegations of the same may be denied, and any statement made going to show the regularity of said election and the propriety of the action of the judges of election in receiving or rejecting the votes set out in said complaint, and a list of the votes he or they will dispute. And if said respondents desire to take depositions, notice thereof shall be given to any one or more of the persons signing said complaint.

If no answer is filed to the complaint within thirty days from the election, no one shall be heard to deny the allegations of the complaint, but the persons making the same shall prove the allegations thereof to the satisfaction of the court.

The circuit court of the county, or the corporation or hustings court of the corporation, in which the election is held, at the next term after the expiration of thirty days from said election, shall proceed to pass upon said complaint without a jury, on such depositions as may have been taken under the notices aforesaid, and upon such other legal testimony as may be adduced by either party at the hearing of the case.

In judging of such election and return, the court shall proceed on the merits thereof, and decide the same on the Constitution and laws, and according to the right of the case, and enter such order as will carry its decision into full and complete effect. And the judgment of said court shall be final.

When the complaint is answered, costs shall be given in favor of the parties substantially prevailing.

2. This act shall be in force from its passage.

CHAP. 329.—An ACT to provide for the contraction of the corporate limits of cities and towns.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That whenever it is deemed desirable to contract the corporate limits of any city or town the council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be stricken off, and such ordinance shall thereupon be published in at least ten issues of the paper published in and having the largest circulation in said city or town, if there be such a paper, and shall be conspicuously posted in at least ten public places in said territory. A copy of said ordinance shall also be served by such city or town upon the board of supervisors of the contiguous county or counties of which such territory may become a part.

2. Thirty days after the enactment of an ordinance proposing to reduce the corporate limits of a city or town, the city or town shall apply to the circuit court of the city, or to the circuit court for the city or town, for an order confirming said ordinance, or to the judge thereof in vacation. One or more residents or freeholders of the territory proposed to be stricken off, or the attorney for the Commonwealth of the county or counties contiguous thereto, may appear and by petition set forth reasons why the corporate limits should not be reduced.

3. If the court or the judge thereof, as the case may be, shall be satisfied that such contraction of the corporate limits will not leave the bonded debt of the city or town in excess of eighteen per centum of the assessed valuation of the real estate that will be left in the city or town after the contraction proposed, which shall be determined as is provided in section one hundred and twenty-seven of the Constitution of Virginia, and if the said court or judge shall be satisfied that less than three-fourths of the freeholders in said territory oppose the contraction proposed, and that no substantial injury to persons owning real estate in the territory proposed to be stricken off, or to the county of which it will become a part, will be caused thereby, but that the striking off of such territory will be for the interest of the city or town, the said court or judge, as the case may be, shall render an order confirming said ordinance contracting the limits of the city or town, and declaring the territory so stricken off to be a part of some contiguous county designated in the order. Said contraction shall thereupon become final and be taken cognizance of by all public officers, and the territory so stricken off shall become a part of the county so designated; and the proper city officers shall thereupon certify to the county clerk of the county a list of all real estate within said territory, with every entry in regard thereto, as it appears on the land books, by whom said list and entries shall be entered upon the county land books.

Every registered voter in said territory shall be entitled, without again registering, to a transfer and to vote at his proper precinct in the county to which the territory is annexed, or to register and vote at said precinct if he was entitled to register and vote in said city or town, or if he would have been entitled to register and vote in said county had the territory of which he is a resident always been a part of the county and never a part of an incorporated city or town.

4. The said order, if rendered in vacation, shall be certified to the clerk of the court and be by him entered as if rendered in term.

5. This act shall be in force from its passage.

CHAP. 330.—An ACT providing mileage to the members of the general assembly, clerks, officers, and pages of same, for attending the reconvening of the general assembly in the city of Richmond on the 10th day of November, 1903.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be directed to issue his warrant upon the treasury in favor of the members of the house of delegates and the senate, the sergeant-at-arms, the doorkeepers, the clerks, assistant clerks, committee clerks, and pages of the said bodies, for mileage at the rate of ten cents per mile for every mile of necessary travel to and from the place of meeting of the general assembly, to be computed according to the nearest mail route, for attending the reconvening of the general assembly in the city of Richmond on the tenth day of November, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 331.—An ACT to extend the time for the payment of taxes for 1903, without the addition of a penalty.

Approved November 28, 1903.

Whereas, it has been made known to the general assembly of Virginia, that on account of the failure of commissioners of the revenue throughout the State to receive the necessary assessment blanks, and land and property books in time, in many instances, to enable them to return the same to their respective treasurers at a date sufficiently early to permit the tax tickets to be made off before the first day of December, at which time section six hundred and three of the Code requires a penalty of five per centum to be added to all unpaid taxes; and,

Whereas, in such cases the result would work a great hardship on taxpayers, because, however willing and ready to pay their taxes before December first, nineteen hundred and three, they would all be required to pay five per centum penalty; therefore,

1. Be it enacted by the general assembly of Virginia, That in each city and county the penalty of five per centum for the year nineteen hundred and three, provided in said section six hundred and three, shall not be added by the treasurer to the taxes on any property or land listed in such city, county, or district, until the first day of January, nineteen hundred and four, and the treasurer shall not be required to report to the auditor of public accounts the taxes received by him for the year nineteen hundred and three, until the said first day of January, nineteen hundred and four.

2. This act shall be in force from its passage.

CHAP. 332.—An ACT to amend and re-enact chapter 72, Code of 1887, as amended by act approved March 29, 1902, in regard to the management of the Virginia Normal and Industrial Institute, and to conform the same to the Constitution.

Approved November 28, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-two, Code of eighteen hundred and eighty-seven, as amended by act approved March twenty-ninth, nineteen hundred and two, in regard to the management of the Virginia Normal and Industrial Institute, and to conform the same to the Constitution, be amended and re-enacted so as to read as follows:

§ 1613. First. The said school shall be known as the Virginia Normal and Industrial Institute, and shall embrace a normal department and an industrial department, and also such other departments as may be deemed expedient and proper. Said institution shall be subject to the government and control of a board of visitors, whereof the organization, powers, and duties shall be as follows:

Second. The Virginia Normal and Industrial Institute shall continue a body corporate under the name and style of the "Virginia Normal and Industrial Institute," and be under the government and control of a board composed of four qualified persons, and of the superintendent of public instruction. The present incumbents shall remain in office until the first of July, nineteen hundred and four. Within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned, two persons who shall hold office from the first of July, nineteen hundred and four, for two years; and two who shall hold office for four years from the first of July, nineteen hundred and four; and thereafter within six months preceding the day on which the terms of office, respectively, of the several members shall expire by limitation, the governor, by and with the consent of the senate, shall appoint to fill the vacancies so occasioned persons whose terms of office shall be four years from the day on which the term of their immediate predecessors expires.

Third. The board of visitors shall be a body corporate under the name and style of the board of visitors of the Virginia Normal and Industrial Institute, with the right as such to use a common seal. They may plead and be impleaded in all courts of justice in all cases concerning the institute which may be subject to legal cognizance and jurisdiction, which pleas shall not abate by the termination of their office, but shall stand revived in the name of their successors; and they shall be capable in law and in trust for the institute of receiving subscriptions and donations, real and personal, as well from bodies corporate, or persons associated, as from individuals.

Fourth. A majority of the members of said board of visitors shall constitute a quorum for the transaction of business. They shall appoint a rector of their own body to preside at their meetings, and a secretary to record, attest, and preserve their proceedings, who may receive a nominal salary for his services, to be fixed by the board. They shall appoint a treasurer, and prescribe his duties, and fix the amount of his bond at not

less than fifteen thousand dollars. The said bond shall be made payable to the Commonwealth of Virginia, shall have good and sufficient sureties, conditioned for the proper accounting and paying over all moneys and other things committed to his custody, which bond, entered on the journal of the board of visitors, shall be transmitted to the auditor of public accounts, and remain on file in his office.

Fifth. The powers and duties of said board of visitors shall be as follows—namely:

(a) To appoint a president of said institute, and all professors, teachers, and all other necessary agents or employees, and to fix their salaries or compensations, and also those of the secretary and treasurer of said board.

(b) To prescribe the duties of the president, professors, teachers, and all agents or employees of said institute.

(c) To prescribe the course of study in the several departments of said institute, and to fix the length of the scholastic term, and the number of terms to be occupied by the course of study in each department.

(d) To prescribe the terms upon which students other than State students shall be admitted, specifying especially the charges for tuition and board, and to establish rules and regulations for the discipline and government of all students admitted to said institute.

(e) To examine into the conduct and management of the school, the fidelity and efficiency of the officers and employees, the methods of instruction employed, the progress of the students, and to grant to such as excel in any branch of learning, or complete a prescribed course of study, such honorary testimonials in the way of certificates of proficiency or diplomas as shall be deemed expedient.

(f) To inspect annually, and as much oftener as is deemed necessary, all buildings, lands, appurtenances, and other property of said institute, to provide for the due care and preservation of the same, and to cause to be made out and kept on file an inventory of all such property, both real and personal, specifying therein the value and condition thereof.

(g) To disburse such funds as may belong to the institute.

(h) To make an annual report, through the office of the superintendent of public instruction, to the board of education, in conformity to the requirements of the law providing for reports from State institutions, approved January twelfth, eighteen hundred and eighty-eight.

(i) To appoint an executive committee for the performance of such duties as the said board of visitors may prescribe.

(j) In general, to direct and do all things not inconsistent with the laws of this State, which to them shall seem best adapted to accomplish the legitimate objects of said institute. All of which several functions they shall be free to exercise in the form of by-laws, rules, resolutions, orders, instructions, or otherwise, as they may deem proper.

Sixth. Said board of visitors shall have power to remove, a majority of all the members thereof concurring, the president, professors, teachers, agents, or employees of said institute.

Seventh. Said board of visitors shall, in all their official acts, conform to the laws of this State.

Eighth. There shall be admitted into the institute, free of charge for tuition, use of laboratory or public buildings, and upon such terms as to board and other expenditures as the board of visitors may prescribe, a number of colored students equal to twice the number of members of the house of delegates, to be apportioned in the same manner. Such students shall be designated as State students, and shall not be less than fifteen years of age, and shall be elected by the superintendents of schools for the respective counties and cities from the colored pupils of either sex attending the free schools, or, in their discretion, from others than those attending said free schools. Superior proficiency in study and good moral character shall be duly regarded in the selections.

Ninth. Due notice shall be given by the president of said institute to the county and city superintendents of schools of all vacancies existing, or likely to occur, in said institute in the case of State students; whereupon said county or city superintendents of schools shall proceed to fill said vacancy, and officially notify the president of said institute of said appointment. If, in due time after such notice, no appointment be made, the vacancy indicated may be filled by the board of visitors from the State at large: provided, that any State student, as a condition precedent to admission into said institute, shall enter into a written contract with said board of visitors to engage in teaching school or other educational work for not less than two years; but said student, by this section, shall not be deprived of any compensation which he may be able to obtain for teaching or other educational work. Should any such State student fail to comply with the contract herein specified, he may be relieved therefrom by the payment in cash of one-half of the tuition and other fees remitted to him while he or she was a student of said institute.

Tenth. The general assembly shall make such appropriations annually out of the revenues of the State for the support and maintenance of said institute as it shall deem advisable.

Eleventh. The board of visitors shall have power to designate the bank or banks in which shall be kept on deposit all moneys accruing to said institute from the annuity herein provided for, and from all other sources, and to prescribe the manner in which said moneys shall be disbursed: provided, the said board shall not designate for the purpose aforesaid any bank or banks which are not at the time State depositories so designated by the governor.

Twelfth. The auditor of public accounts shall, on the orders of the board of visitors, issue his warrants for such amounts of said annuity as are specified in said orders; said warrants to be made payable to the cashier of the bank designated by said board of visitors as a depository of the funds of said institute; said funds to be placed by said cashier to the credit of the treasurer of said institute.

Thirteenth. Any person may deposit in the treasury of the State, or bequeath money, stocks, or bonds to be deposited, or grant, devise, or bequeath property, real or personal, to be sold, and the proceeds so deposited, which shall be invested as the donor may indicate, or the board of visitors may see proper, for the benefit of the institute, and in such case the interest or dividend accruing on such deposits shall be placed to the

credit of the treasurer of the institute on the order of the board of visitors, to be used for the purpose hereof, unless some particular appropriation shall have been designated by the donor or testator; in which case such particular use or appropriation shall be respected.

Fourteenth. The board of visitors shall have at least one stated meeting at the institute in each year. They may have other meetings at such times as they may appoint, or on the call of the rector or the governor of the State. Such actual expenses as the visitors may incur in the discharge of their duties shall be paid out of the funds of the institute.

Fifteenth. The president, professors, and teachers of the Virginia Normal and Industrial Institute shall be required, during each and every year, to conduct a summer normal school for the benefit of the colored teachers of the public schools of this State, and those who expect to become teachers in the public schools; said summer normal school shall begin on a day to be designated by the board of visitors, not later than the first day of July, and to continue for a term of four weeks. In said summer school shall be taught such branches as relate to the academic and professional improvement of teachers.

Sixteenth. The annual salary allowed the president, professors, instructors, and other employees in said normal and industrial institute shall be regarded as covering the time during which they are on duty in said summer normal school: provided, that nothing herein shall be construed to prohibit the board of visitors from employing other competent and skilled normal instructors to assist the regular faculty in conducting said summer normal school.

Seventeenth. The president of the institute, with the approval of the board of visitors, may issue circulars, or adopt such other means as may be deemed expedient to convey to teachers due notice of the time when said summer normal school shall begin and the course of instruction to be given. The teachers attending said summer normal school shall receive such certificate or merit as the authorities of said institute may prescribe.

Eighteenth. While in attendance upon said summer normal school the teachers may occupy the institute buildings, and be furnished such accommodations as to board in the like manner as are the regular students of the institute. They shall be subject to such rules and regulations as to government and discipline as shall be approved by the board of visitors. The charge for board and lodging to each teacher shall not exceed two dollars per week. All regular employees of said institute shall perform such service during the summer normal term as the authorities of the institute may require.

Nineteenth. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAP. 333.—An ACT to provide for the payment of contingent and incidental expenses of the general assembly, and to appropriate money for the same.

Approved December 1, 1903.

Whereas, there are certain contingent and incidental expenses of the general assembly which cannot be provided for specifically, and which must be paid; and,

Whereas, there has been no appropriation made to meet the same; and,

Whereas, section one hundred and eighty-six of the Constitution provides that no money shall be paid out of the State treasury except in pursuance of appropriations made by law, and section fifty of the Constitution provides that no law shall be enacted except by bill; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer of the State for such amounts as may be required for such contingent and incidental expenses as may be provided for by resolution either of the senate or house of delegates.

2. It is hereby made the duty of the clerk of the senate and the clerk of the house of delegates, respectively, to keep an itemized account and statement, giving the name of each person receiving any money on account of any contingent or incidental expense authorized under any and all resolution or resolutions as may be hereafter adopted by their respective houses in reference to any contingent and incidental expense thereof; said itemized account and statement shall show also for what service or account, and have a reference to the resolution authorizing the same, and shall be appended to the end of the journal of their respective houses and published therewith as document "A."

3. It is hereby made the duty of the auditor of public accounts to keep a separate account of the contingent and incidental expenses of the senate and house of delegates of Virginia, respectively, as authorized by resolution as aforesaid, showing the amount expended under each resolution, and to include the same in his annual report to the governor and general assembly of Virginia.

4. To pay the expenses above referred to, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars, one-half of which shall be set apart for the use of the senate, and the other half for the use of the house of delegates.

5. This act shall be in force from its passage.

CHAP. 334.—An ACT to repeal an act of the general assembly of Virginia, approved May 23, 1887, entitled "an act to provide a modified oath to be taken by persons elected or appointed to any post or office under the laws of the Commonwealth who are unable to take the oath required under the acts of assembly approved April 21, 1882."

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved May twenty-third, eighteen hundred and eighty-seven, of the gen-

eral assembly of Virginia, entitled "an act to provide a modified oath to be taken by persons elected or appointed to any post or office under the laws of the Commonwealth who are unable to take the oath required under the acts of assembly approved April twenty-first, eighteen hundred and eighty-two," be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 335.—An ACT to amend and re-enact chapter 1140 of acts of assembly, session 1899-1900, entitled "an act to authorize and empower the county and corporation courts of the Commonwealth to suspend any treasurer of any county or city, whenever it shall appear from the report of the auditor of public accounts, the board of supervisors, or otherwise, the said treasurer, clerk, or other officer has failed to make settlement or pay over the amount found by such auditor, board of supervisors, etc., to be due from such treasurer, clerk, or other officer, as the law directs; and to authorize and empower said court, or the judge thereof in vacation, to appoint some person to discharge the duties of such treasurer, clerk, or other officer until settlement and payment aforesaid is made," approved March 7, 1900.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter eleven hundred and forty of acts of assembly, session eighteen hundred and ninety-nine and nineteen hundred, entitled "an act to authorize and empower the county and corporation courts of the Commonwealth to suspend any treasurer of any county or city, whenever it shall appear from the report of the auditor of public accounts, the board of supervisors, or otherwise, the said treasurer, clerk, or other officer has failed to make settlement or pay over the amount found by such auditor, board of supervisors, and so forth, to be due from such treasurer, clerk, or other officer, as the law directs; and to authorize and empower said court, or the judge thereof in vacation, to appoint some person to discharge the duties of such treasurer, clerk, or other officer, until settlement and payment aforesaid is made," approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

1. The auditor of public accounts shall annually, on the fifteenth day of August, report to the judge of each circuit and city court of record, and the Commonwealth's attorney of each county and city of the State, whether the treasurers of said counties and cities have settled for and paid in full the funds due by them to the Commonwealth, and if not paid, then said auditor shall report the amounts respectively due and owing by said treasurers.

2. The auditor of public accounts shall likewise report to said judge and Commonwealth's attorneys any clerk or other officer who has failed for thirty days to report and pay over, as required by law, any money due by them, respectively, to the Commonwealth.

3. If it shall appear that any treasurer, as aforesaid, has failed or refused to settle for or pay over, as required by law, any funds due or owing by him to the Commonwealth, then the said court shall suspend such treasurer until he shall make settlement and payment in full of the funds due by him as such treasurer to the Commonwealth, and said court, or

the judge thereof in vacation, may, if deemed necessary, appoint some suitable person to discharge the duties of such treasurer until settlement and payment as aforesaid. The person so appointed shall give bond and qualify, as treasurers are now required by law to do; but before the said court shall suspend such officer the said court, or judge thereof in vacation, shall issue a rule against said officer, returnable after not less than ten days' notice to the first day of the next term of said court, to show cause, if any he can, why the court should not suspend him as aforesaid.

4. If it appear that any clerk or other officer of any court of any county or city, charged with the collection of public moneys, has failed for thirty days to report and pay over, as required by law, to the auditor or any proper person authorized by law to receive the same, any funds collected by such clerk or other officer, then said court shall in like manner and after service of rule, as prescribed by section three of this act, suspend said clerk or other officer until such settlement and payment have been made by such clerk or other officer; and if said court, or the judge thereof in vacation, deem it necessary, it shall appoint some competent person in like manner to discharge the duties of such clerk or other officer until settlement and payment as aforesaid.

5. The treasurers of the several counties of this State shall settle with the board of supervisors and school boards by the first day of October of each year, and shall, on said first of October, exhibit to said judge and Commonwealth's attorney the cash to balance their accounts, if any is due, with the county levy and the county school fund. If any treasurer fail to produce said cash to balance his said account, then said court shall, after service of rule as prescribed by section three of this act, suspend said treasurer, and appoint some competent person to discharge his duties, as provided in section three of this act.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 336.—An ACT to amend and re-enact sections 588 and 591 of the Code of Virginia, and to repeal sections 593, 594, 595, 596, 597, 598, 599, 600, and 601 of the Code of Virginia.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That sections five hundred and eighty-eight and five hundred and ninety-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 588. Taxes on suits and seals; to whom paid.—The taxes on suits or other judicial proceedings shall be paid to the clerks of the courts, respectively, in which such suits are brought or proceedings had. The tax on the seal of the State shall be paid to the secretary of the Commonwealth.

§ 591. When secretary of Commonwealth to report taxes he receives; his commissions.—The secretary of the Commonwealth shall make out a monthly account, verified by oath, of all taxes received by him during the preceding month, render the same to the auditor of public accounts and

pay the amount shown to be due thereby. If the secretary of the Commonwealth shall fail to render such account and pay such taxes, as herein prescribed, he shall forfeit one hundred and fifty dollars, and for every month such failure may continue after that time there shall be an addition to such forfeiture of one-twelfth of the amount thereof.

2. That sections five hundred and ninety-three, five hundred and ninety-four, five hundred and ninety-five, five hundred and ninety-six, five hundred and ninety-seven, five hundred and ninety-eight, five hundred and ninety-nine, six hundred, and six hundred and one of the Code of Virginia, be, and the same are hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 337.—An ACT to repeal chapter 708, acts of assembly, session of 1899-1900, entitled "an act to provide for the better enforcement and collection of the tax now imposed by law upon shares of stock in corporations and joint stock companies by requiring sworn lists of the stockholders of said corporations or companies resident in this State to be filed with the auditor of public accounts, and to direct the disposition of said lists, and to prescribe penalties for the failure or refusal to file said lists or the furnishing of a false list," approved March 3, 1900.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter seven hundred and eight, acts of assembly, session of eighteen hundred and ninety-nine and nineteen hundred, entitled "an act to provide for the better enforcement and collection of the tax now imposed by law upon shares of stock in corporations and joint stock companies by requiring sworn lists of the stockholders of said corporations or companies resident in this State to be filed with the auditor of public accounts, and to direct the disposition of said lists, and to prescribe penalties for the failure or refusal to file said lists or the furnishing of a false list," approved March third, nineteen hundred, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 338.—An ACT to amend and re-enact chapter 380, acts of assembly, session 1895-'96, entitled "an act to constitute capitation tax a lien upon real estate owned by the person at the time such capitation tax is assessed," approved February 19, 1896.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter three hundred and eighty, acts of assembly, session eighteen hundred and ninety-five-'96, entitled "an act to constitute capitation tax a lien upon real estate owned by the person at the time such capitation tax is assessed," approved February nineteenth, eighteen hundred and ninety-six, be, and the same is hereby, amended and re-enacted so as to read as follows:

Every capitation tax for State, county, and corporation purposes shall

be a lien upon the real estate owned by the person against whom such tax is assessed from the time of such assessment; and if such tax be not paid real estate may be subjected to sale for the payment thereof, and all costs and expenses, at the same time and in the same manner that such real estate would be subjected to sale for the payment of taxes assessed thereon: provided, that no real estate shall be sold for the payment of any State capitation tax until such tax shall have become three years past due.

2. This act shall be in force from its passage.

CHAP. 339.—An ACT to amend and re-enact subsection “sixteen” of section 5 of the Code of Virginia, relating to construction of the words “city,” “town,” and “council.”

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That subsection “sixteenth” of section five of the Code of Virginia be amended and re-enacted so as to read as follows:

16. “City,” “town,” “council.”—The word “city” shall be construed to mean an incorporated community, having within defined boundaries a population of five thousand or more, or any incorporated community containing less than five thousand inhabitants which had a city charter at the time of the adoption of the Constitution; and the word “town” shall be construed to mean an incorporated community not having a city charter at the time of adoption of the Constitution, containing within defined boundaries a population of less than five thousand. The word “council” shall include any body, or bodies, authorized to make ordinances for the government of a city or town.

2. This act shall be in force from its passage.

CHAP. 340.—An ACT to amend and re-enact section 4 of the Code of Virginia, relating to commencement of statutes.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That section four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 4. Commencement of statutes.—Every act of assembly, except a general appropriation act, shall take effect ninety days after the adjournment of the session of the general assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the act) the general assembly shall otherwise direct by a vote of four-fifths of the members voting in each house. Such vote shall be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

A general appropriation act shall take effect from its passage, unless another day for the commencement thereof be particularly mentioned

in the act itself. And the day on which every act becomes a law shall be noted in the publication next after the title thereof.

2. This act shall be in force on and after the thirteenth day of January, nineteen hundred and four.

CHAP. 341.—An ACT to amend and re-enact section 753 of the Code of Virginia, as amended and re-enacted by an act entitled “an act to amend and re-enact section 753 of the Code of Virginia, relating to State depositories,” approved February 3, 1900, as amended and re-enacted by an act entitled “an act to amend section 753 of the Code of Virginia, as amended in relation to State depositories,” approved March 15, 1902, and as amended and re-enacted by an act entitled “an act to amend section 753 of the Code of Virginia, as amended in relation to State depositories,” approved April 2, 1902.

Approved December 3, 1903.

1. Be it enacted by the general assembly of Virginia, That section seven hundred and fifty-three of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section seven hundred and fifty-three of the Code of Virginia, relating to State depositories, approved February third, nineteen hundred, as amended and re-enacted by an act entitled an act to amend section seven hundred and fifty-three of the Code of Virginia, as amended in relation to State depositories, approved March fifteenth, nineteen hundred and two, and as amended and re-enacted by an act entitled an act to amend section seven hundred and fifty-three of the Code of Virginia, as amended in relation to State depositories, approved April second, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 753. State depositories; their bonds; when moneys to be transferred; when governor may designate temporary depositories; when new bonds; State's remedy on bonds.—Moneys to be hereafter paid into the public treasury of the State shall be deposited in the following banks hereby designated as State depositories—to-wit: The Planters National Bank, of Richmond, Virginia; the First National Bank, of Richmond; the National Bank of Virginia; the Merchants National Bank; the American National Bank, of Richmond, Virginia; the State Bank of Virginia; and the Broad Street Bank, of Richmond, Virginia; Radford Trust Company, of Radford, Virginia; the National Exchange Bank, of Roanoke, Virginia, or in any or either of them.

But no such money shall be deposited in either of the said banks until it shall have procured some person other than the bank itself in its behalf to enter into a bond, approved and accepted by the governor, in the penalty of five hundred thousand dollars, with condition faithfully to account for and pay over, when and as required, whatever amount may, at the time such bond is given, be on deposit in said bank to the credit of the Commonwealth, and such other sums as may thereafter be deposited in said bank on behalf of the Commonwealth, and with further condition for the faithful discharge by the said bank of all the duties and obligations pertaining to it as such depository.

If either of the said banks fail or refuse to procure such bond, to be

given within ten days after being notified by the governor that the bond is required, or if, when the bond has been procured to be given, the governor refuses to approve and accept the same, or if, at any time after such bond has been given by the depository and accepted by the governor, the depository fail or refuse to pay the checks of the treasurer, upon the warrant of the proper auditor, or to pay the interest on deposits as herein-after required, or to discharge any other duty or meet any other obligation pertaining to it as such depository, in any such case all moneys on deposit in the said bank to the credit of the Commonwealth shall be immediately transferred from the said bank to such of the other banks before designated as have furnished the bond aforesaid and not broken its condition, or to any or either of them, and no further deposit of the public money shall be made in such bank.

If each and all of the said designated depositories fail or refuse to give the bonds hereinafter required, or if, where such bonds have been given and accepted, there has been a breach of the condition of each and all of them, or if, at any time, the treasurer shall have reason to believe that none of them is a safe depository of the public money, in any such case the treasurer shall certify that fact to the governor in a written communication to him, and thereafter shall keep the public money in such place or places as the governor by writing shall direct until further provisions be made by law. Until such provisions be made, moneys paid into or out of the public treasury may, if the governor deem it necessary, and so instruct the treasurer, be received and paid on the warrant of the proper auditor, requiring the treasurer to receive or pay the same, without any deposit made or check drawn, as prescribed by the preceding section. It shall, however, be the duty of the governor in such cases, if practicable, to designate as temporary depositories such banks or bankers as will consent to pay interest on the public deposits as hereinafter required, and are competent to continue the system of receipts and disbursements required by law; but he shall require of any such temporary depository, and any other that may be designated by him under the provisions of this section, bond, with good security, in a penalty sufficient to cover the amount of the public money to be deposited, with the same condition as that prescribed for the bond to be given by one of the banks named as State depositories as aforesaid.

The governor, whenever, in his opinion, the bond of any depository is insufficient, may require of such depository a new bond, or an additional bond, with sufficient surety, to be given within a reasonable time, in such penalty as the governor shall prescribe; and if the depository fail or refuse to give such new bond, or an additional bond, when required, the public money on deposit with such depository shall be transferred to one or more of the State depositories, or if there be none such at the time authorized to receive such deposits, to such depository as he may designate.

Before the governor shall approve and accept any bond tendered under the provisions of this section, he shall take the opinion of the attorney-general thereon, and institute an inquiry through such agencies as he may employ as to the solvency of the obligors and the sufficiency of the bond in all respects. The Commonwealth shall have the like remedy upon any bond given under this section in all respects as provided by law in

respect to the bond of a county or city treasurer failing to pay the amount of public taxes with which he is chargeable, except that the proceedings shall be conducted by the treasurer instead of the auditor.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 342.—An ACT to prescribe the manner in which a duly registered voter who has not been assessed with his State capitation tax may pay the same, and to prescribe penalties for a failure on the part of clerks and treasurers to observe the provisions of this act.

Became a law without governor's signature, December 4, 1903.

1. Be it enacted by the general assembly of Virginia, That if any duly registered voter in any city or county in this Commonwealth apply to the treasurer of such city or county to pay his State capitation tax, and such treasurer is prevented from receiving such tax because the same has not been assessed against such applicant, such duly registered voter may thereupon apply to the county clerk of his county, or the clerk of the corporation or hustings court of his city, as the case may be, for a certificate that he is a duly registered voter. The clerk shall deliver such certificate to the applicant forthwith and deliver a copy thereof to the commissioner of the revenue, and upon presentation of such certificate to the treasurer of the county or city the treasurer shall accept payment of such State capitation tax from such voter and give a receipt therefor. The clerk issuing any such certificate shall keep a correct record of all that are issued by him and transmit a copy thereof to the auditor of public accounts prior to the first day of June of each year; and the auditor of public accounts shall charge the respective treasurers with such moneys as appear from the reports of the respective clerks to have been paid to such treasurers for State capitation taxes under the provisions of this act; and the auditor of public accounts shall require a settlement for such State capitation taxes of each treasurer in like manner as is required by law for a settlement of moneys received for other taxes assessed by the commissioner of the revenue. If any clerk or treasurer shall fail to perform the duties required of him by this act he shall be fined not less than one hundred dollars nor more than one thousand dollars for each failure.

2. This act shall be in force from its passage.

CHAP. 343.—An ACT to amend and re-enact sections 16 and 18 of an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, in Prince Edward county, Virginia, to prohibit all persons, firms, corporations to sell, barter or exchange such liquors in said district, and to repeal all laws in conflict with this act so far as they apply to the said magisterial district, approved February 13, 1901.

Approved December 5, 1903.

1. Be it enacted by the general assembly of Virginia, That sections

sixteen and eighteen of an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, Prince Edward county, Virginia, to prohibit all persons, firms, corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said magisterial district, be amended and re-enacted.

§ 16. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia, five-eighths to the town of Farmville, and one-fourth to the district, to be expended by the board of supervisors for public road purposes outside of the corporate limits of said town.

§ 18. In establishing said dispensary, said dispensary board may purchase from the present liquor dealers in Farmville such of their stock on hand on the first day of May, nineteen hundred and three, as may be desirable to keep in said dispensary: provided, they shall not pay more than wholesale costs for the same.

2. This act shall be in force from its passage.

CHAP. 344.—An ACT to repeal an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, in Prince Edward county, Virginia, to prohibit all persons, firms, corporations to sell, barter or exchange such liquors in said district, and to repeal all laws in conflict with this act so far as they apply to the said magisterial district, approved February 13, 1901, provided that the qualified voters of said magisterial district shall so elect.

Approved December 5, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, Prince Edward county, Virginia, to prohibit all persons, firms, corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said magisterial district, approved February thirteenth, nineteen hundred and one, be, and the same is hereby, repealed: provided, a majority of the qualified voters of said magisterial district shall so elect, in the manner hereinafter prescribed.

2. There shall be held in Farmville magisterial district, Prince Edward county, Virginia, within thirty days after the approval of this act, and upon such day as shall be designated by the judge of the county court of said county, an election for the purpose of ascertaining whether or not this act shall become effective. Ten days' notice of the said election shall be posted at five or more public places in said magisterial district. At such election each qualified voter who desires this act to become effective shall deposit a ticket or ballot on which shall be written or printed the words, "against dispensary law"; and each such voter who shall not desire this act to become effective shall deposit a ticket or ballot on which shall be written or printed the words, "for dispensary law." The return of such election shall be made to the judge of Prince Edward county court. In all other respects the said election, so far as pertinent,

shall conform to section twelve hundred and forty-four of the Code of Virginia of eighteen hundred and eighty-seven.

3. If a majority of the votes cast at said election shall be against the dispensary law, this act shall then be and become effective, but so far as providing for said election this act shall be in force from its passage.

CHAP. 345.—An ACT to amend and re-enact sections 22, 23, and 24, and to repeal sections 27, 28, 29, 30, and 31 of the Code of Virginia.

Approved December 5, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-two, twenty-three, and twenty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 22. Assessors to report their proceedings.—They shall make a report of their proceedings, under their hands, and file the same within five days thereafter in the office of the clerk of the circuit court of the county wherein the land is situated.

§ 23. How appeals taken.—Within ten days after the same is filed, either party may file with the clerk a written notice stating that he appeals from the assessment to the circuit court.

§ 24. Order of court on report.—If no such notice be filed, the circuit court shall, at the first term thereafter, confirm the report, make a reasonable allowance to the freeholders for their services, and order payment to be made of the amount so assessed, of such allowance, of the officers' fees, and of what the witnesses may be entitled to for their attendance.

2. Be it further enacted, That sections twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one of the Code of Virginia be, and the same are hereby, repealed.

3. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 346.—An ACT to repeal sections 63 and 66, and to amend and re-enact sections 62, 64, 65, 67, 68, 69, 72, 73, 74, 75, 78, 79, 80, and 85, as amended by act approved May 26, 1903, of chapter 8 of the Code of Virginia.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That sections sixty-three and sixty-six of chapter eight of the Code of Virginia, be, and the same are hereby, repealed; and that sections sixty-two, sixty-four, sixty-five, sixty-seven, sixty-eight, sixty-nine, seventy-two, seventy-three, seventy-four, seventy-five, seventy-eight, seventy-nine, eighty, and eighty-five, of chapter eight, as amended by act approved May twenty-sixth, nineteen hundred and three, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 62. Qualification of voters; disqualifications.—Every male citizen of the United States twenty-one years old, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote thirty days next preceding the election, and who has been duly registered and has paid his State poll-tax as required by law, and is otherwise qualified under the Constitution and laws of this State, shall be entitled to vote for members of the general assembly and all officers elected by the people, but the removal from one precinct to another in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved until the expiration of thirty days from such removal: provided, that the following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers, persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution, either within or without this State, of treason or of any felony, bribery, petit larceny, obtaining money or other property under false pretences, embezzlement, forgery, or perjury; persons who while citizens of this State, after the adoption of the Constitution, have fought a duel with a deadly weapon or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel: provided, also, that no officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage in the State, or in any county, city, or town thereof, by reason of his being stationed therein, nor shall any inmate of any charitable institution or a student in any institution of learning be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

§ 64. There shall be in each county and city an electoral board, composed of three members, who shall be appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. The first appointment of said board shall be made during the month of February, nineteen hundred and four, when one member of the board shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. During the month of February in each year thereafter, as the terms of the members of the board shall respectively expire, their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term. The term of the electoral boards appointed under this act shall commence on the first of March next succeeding their appointment. The members of said board shall qualify before the first of March next succeeding their appointment by taking and subscribing the oaths required to be taken by county and city officers.

Each electoral board shall appoint the judges, clerks, and registrars of election for its city or county, including the towns therein, and in appointing judges of election, representation, as far as possible, shall be given to each of the two political parties which, at the general election

next proceeding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board or a registrar or judge of election.

§ 65. Chairman and secretary.—The said board shall elect one of their number chairman and another secretary.

§ 67. Appointment of registrars.—It shall be the duty of the electoral board of each city and county, prior to the first day of April, nineteen hundred and four, and every alternate year thereafter, to appoint a registrar for each election district of their respective counties and cities, who shall be a discreet citizen and resident of the election district in and for which he is appointed, and who shall hold office for the term of two years from the first day of May following his appointment and until his successor is duly appointed and qualified. In the city of Richmond it shall be lawful for each registrar to appoint a clerk and to administer to him the same oaths as those taken by the registrar. The said electoral boards shall, from time to time, fill any vacancy that may occur in the office of registrar.

§ 68. Meetings of boards; quorum; record of proceedings.—The electoral board of each city and county shall convene in regular session at such time in the month of March of each year as the board may prescribe, and at any other time upon the call of any member of the board, but at any special meeting the board shall have the same powers as at a regular meeting. At any session two members shall constitute a quorum. The secretary of each electoral board shall keep, in a book to be provided for that purpose, an accurate account of all the proceedings of the board, including all appointments and removals of judges, clerks, and registrars, which shall be open to the inspection of any one who desires to examine the same at any time.

§ 69. Board to fill vacancy in office of registrar; may remove registrars, judges, and clerks.—The said electoral board shall have the power, and it shall be their duty, after the first of March, nineteen hundred and four, to declare vacant, and to proceed to fill the office of any registrar in their respective cities, counties, and towns who fail to qualify and deliver to the clerk of the board his official oath in the usual form within thirty days after he has been notified of his appointment, which notification shall be promptly given by the clerk. The board shall also have power, after the first of March, nineteen hundred and four, to remove from office any and every judge of election, registrar, or clerk, upon notice, who fails to discharge the duties of his office according to law.

§ 72. When judges of circuit court to fill vacancies in board.—If any of the members of the electoral board for any county or city shall fail to qualify within the time prescribed by this chapter, it shall be the duty of the judge of the circuit court of each county, or corporation court of the city, to fill vacancies either in term or vacation.

§ 73. Who to be registered.—Each registrar shall, after the first day

of January, nineteen hundred and four, register every male citizen of the United States, of his election district, who shall apply to be registered at the time and in the manner required by law, who shall be twenty-one years of age at the next election, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to register thirty days next preceding the election, who, at least six months prior to the election, has paid to the proper officer all State poll-taxes assessed or assessable against him under this or the former Constitution for three years next preceding that in which he offers to register, or if he come of age at such time that no poll-tax shall be assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents in satisfaction of the first year's poll-tax assessable against him, and unless physically unable to do so, shall make application to the registrar in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registrar, stating therein his name, age, date, and place of birth, residence, and occupation at the time and for the two years next preceding, and whether he has previously voted; and if so, the State, county, and precinct in which he voted last; and shall answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registrar, which questions and answers thereto shall be reduced to writing, certified by the said registrar, and preserved as a part of the official records: provided, that the following persons shall be excluded from registering idiots, insane persons, and paupers and persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime, either within or without the State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution within or without the State, of treason, or any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who while citizens of this State, after the adoption of the Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel, unless the disabilities incurred thereby have been removed. If any person claiming to be a naturalized citizen of the United States shall not be able to establish the date of his papers, or the court in which they were issued, by reason of his having lost the same, or for other cause, then his oath or affirmation that he has been duly naturalized shall be accepted and shall entitle him to register. It shall be the duty of the registrar to furnish a suitable and convenient place, with necessary table, chair, paper, and ink or pencil to be used by persons desiring to register in writing their applications for registration, the cost of the same to be paid out of the county or city treasury. It shall also be the duty of the registrar to preserve the written application of all persons who are registered, or who are denied registration by him, for at least one year after such application is presented, said written application to be filed and kept with the registration books and preserved as a part of the official records. If a person is refused registration, he shall be at once notified of such refusal.

§ 74. Secretary of Commonwealth to prepare and distribute books for

registration.—The secretary of the Commonwealth shall cause to be prepared suitable books for the registration of voters, and forward them to the county clerks and to the clerks of the corporation or hustings courts of the cities, to be by them distributed to the registrars of their respective election districts. The books shall be so arranged as to admit of the alphabetical classification of those registered, and shall be ruled in parallel columns, in which shall be entered the number, name of voter, the fact that he is sworn, his age, occupation, the place of residence at time of registration, the length of time of his residence in the county or city, and, if in a city, stating the name of the street and number of house in which he resides, provided the same be numbered; the time of his residence in the State, and if naturalized, the date of his papers and the court by which issued, if known, and if registered as a voter, exempt from payment of poll tax under section twenty-two of the Constitution. The list of voters, white and colored, shall be kept and arranged in separate books.

§ 75. Registration oath.—Before a registrar shall register the name of any person as a voter he shall be satisfied of his qualification as hereinbefore prescribed, and every person applying for registration shall, before he is registered, take and subscribe the following oath: “I, _____, do solemnly swear (or affirm) that I am entitled to register under the Constitution and laws of this State, and that I am not disqualified from exercising the right of suffrage by the Constitution of Virginia,” which oath, so subscribed, shall be filed with the registrar and preserved with the books of registration.

§ 78. When voters registered; duties of registrars; their pay.—Each registrar shall, annually, on the third Tuesday in May, at his voting place, proceed to register the names of all qualified voters within his election district not previously registered in the said district in accordance with the provisions of this chapter, who shall apply to be registered, commencing at sunrise and closing at sunset, and shall complete such registration on the third Tuesday in May. Thirty days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered may be added. He shall give notice of the time and place of all registrations for at least ten days before each sitting by posting written or printed notices thereof at ten or more public places in his election district. The registrar shall, at any time previous to the regular days of registration, register any voter entitled to vote at the next succeeding election who may apply to him to be registered; and he shall receive as compensation ten cents for the name so registered on days other than the regular days of registration, the same to be paid out of the county or city treasury. It shall be the duty of the registrar, within five days after each sitting, to have posted at three or more public places in his election district written or printed lists of the names of all persons so admitted to registration, and also have like lists posted on the day of election at the place of voting in his election district.

§ 79. Clerks to furnish registrars with names of voters who have been convicted of certain offences; their names and the names of persons who have died to be struck from books.—The county clerk, and the clerk

of each hustings or corporation court shall, at each registration, deliver to each registrar in his county or city a list of all voters who have been convicted of any of the offenses enumerated in section twenty-three of the Constitution since the last registration. It shall be the duty of the registrar to correct his list in accordance with the list thus furnished, and he shall strike from the list of voters the name of any person so convicted upon the production before him of a certificate of the clerk of a court of competent jurisdiction that such person has been so convicted since December first, eighteen hundred and seventy-six, in such court, or has been so convicted by a mayor, police justice or justice of the peace in the county or corporation wherein is held the court to which the said clerk belongs, unless said person shall produce a pardon from the governor, or a certificate from the keeper of rolls that his disabilities have been removed by the general assembly. It shall also be the duty of the registrar to strike from the list of voters the names of all persons who are proven before him to have died. If any voter whose name has been so stricken off shall appear at any election and offer to vote upon satisfactory proof that he has not changed his residence since his registration, his name shall be restored to the registration books by the judges of election and he shall be permitted to vote if qualified in other respects.

§ 80. Voter changing his residence may change his registration.—Whenever a registered voter changes his place of residence from one election district to another in the same county or city it shall be lawful for him to apply for, in person or in writing, and it shall be the duty of the registrar of his former election district, at any time up to and including the regular days of registration, to furnish a certificate that he was duly registered and that his name has, since his removal, been erased from the registration books of said election district, which shall be sufficient evidence to entitle him to be registered in the election district to which he has removed, on its appearing to the satisfaction of the registrar that he has resided prior to the next election in such district for thirty days, and the name of every such person shall be entered at any time up to and including the regular days of registration by the registrar on the registration books of the election precinct to which the voter has removed; and whenever a registered voter changes his place of residence from one county or city to another county or city it shall be lawful for him to apply to the registrar of his former election district at any time up to and including the regular days of registration, in person or in writing, to furnish a certificate that he was duly registered and that his name since his change of residence and removal has been erased from the registration books of said election district, which certificate shall be delivered to the registrar of the election district in which he resides and offers to be registered in the county or city to which he has removed, and will entitle him to be registered in said district on its appearing, to the satisfaction of said registrar, that he has resided, or will have resided prior to the next election in the county or city to which he has removed, for one year; and the name of every such person shall be entered at any time up to and including the regular days of registration by the registrar on the election books of the election district in which said person resides; and no voter who has been heretofore registered at any election

district in this State shall be entitled to be registered in any other election district unless he shall deliver to the registrar of the district in which he offers to be registered said certificate, which shall be kept on file by said registrar.

§ 85. Registrar to be a conservator of the peace.—Every registrar shall preserve order at and in the vicinity of the place of registration; and to enable him to do so, he shall be clothed with all the powers of a conservator of the peace while engaged in the duties imposed by law; may exclude from the place of registration all persons whose presence he deems unnecessary, and may appoint special constables, not exceeding three in number, in each magisterial district or ward, and may summon the bystanders or other persons in the vicinity to assist whenever, in his judgment, it shall be necessary to preserve order.

2. This act shall be in force from its passage.

CHAP. 347.—An ACT to amend and re-enact chapter 24 of acts of assembly, session 1889-'90, entitled "an act authorizing the auditor of public accounts to issue duplicate warrants," approved January 24, 1890.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter twenty-four, acts of assembly, session eighteen hundred and eighty-nine-'ninety, entitled "an act authorizing the auditor of public accounts to issue duplicate warrants," approved January twenty-four, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

Upon satisfactory proof being presented to the auditor of public accounts, or to the second auditor, that any warrant drawn by either of such auditors or his predecessors upon the treasurer of the Commonwealth has been lost or destroyed before having been paid, it shall be lawful for said auditor who issued or from whose office was issued the original warrant, to issue a duplicate therefor upon a bond being executed, with such security as shall be approved by him, payable to the Commonwealth, in the penalty of double the amount of such warrant, and conditioned to save harmless the Commonwealth from any loss occasioned by the issuing of such duplicate warrants: provided, that each duplicate warrant so issued shall show upon its face that it is a duplicate, and that no duplicate shall be issued within ninety days of the issuing of said original warrant.

2. This act shall be in force from its passage.

CHAP. 348.—An ACT to amend and re-enact chapter 880, acts of assembly, session 1897-'98, entitled "an act to provide for the appointment of special prosecuting attorneys in proper cases," approved March 3, 1898.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter eight hundred and eighty, acts of assembly, session eighteen hundred and

ninety-seven-eight, entitled "an act to provide for the appointment of special prosecuting attorneys in proper cases," approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

In any case of felony or misdemeanor pending in any circuit or corporation court of this State in which the Commonwealth's attorney is so situated that it is improper for him to act, the court, of its own motion, or the judge thereof in vacation, shall have authority to appoint a special prosecuting officer for that case, who shall have all the powers and privileges of the regular Commonwealth's attorney and receive the same compensation.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 349.—An ACT to ratify and confirm the sale and conveyance of certain property in the county of Alexandria made by the city council of Alexandria to the Washington Southern Railway Company.

Approved December 8, 1903.

Whereas, the city council of Alexandria has sold and conveyed to the Washington Southern Railway Company a tract of land in the county of Alexandria, containing five thousand and fifty-two acres, more or less, and being a part of the almshouse tract: now, therefore,

1. Be it enacted by the general assembly of Virginia, That said sale and conveyance be, and the same is, hereby, fully ratified and confirmed.

2. This act shall be in force from its passage.

CHAP. 350.—An ACT to amend and re-enact section 3376 of the Code of Virginia.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and seventy-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3376. How court may proceed when original papers lost or destroyed; plaintiff may commence new suit in such case; when certified copy of a paper, required to be recorded, may be used as evidence.—If, in any cause, the original papers therein, or any of them, or the record for or in an appellate court, or any paper filed or connected with such record, be lost or destroyed, the court wherein the case is, or in which it would or ought to be, but for such loss or destruction, may docket the same; and, on affidavit of such loss or destruction, the case may be proceeded in, heard, and determined, upon an authenticated copy of what is lost or destroyed, or proof of the contents thereof, or upon proof of so much of the contents thereof, as may enable the court to proceed in, hear, and determine the case, and make such entry, order, or decree therein, as if

the papers, or any of them, had not been lost or destroyed. The court may, in its discretion, require new pleadings to be made up, in whole or in part. A plaintiff, instead of proceeding under this section, may commence and prosecute a new suit for the same matter; and no certified copy of any deed, will, account, or other original paper required by law to be recorded in any circuit or city court, shall be used by any party as evidence for him, in any case where the original deed, will, account, or other original paper, or the record thereof, has been destroyed, until such copy has been admitted to record in the place of the original which has been destroyed.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 351.—An ACT to repeal an act of the general assembly of Virginia entitled “an act to allow a remedy by motion for judgment in the county court, after ten days’ notice, whenever a person is entitled to recover money or specific personal property by action in the circuit court or by warrant before a justice of the peace, where the claim exceeds twenty dollars, and does not exceed one hundred dollars, exclusive of interest,” approved March 1, 1898.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, entitled “an act to allow a remedy by motion for judgment in the county court, after ten days’ notice, whenever a person is entitled to recover money or specific personal property, by action in the circuit court or by warrant before a justice of the peace, where the claim exceeds twenty dollars, and does not exceed one hundred dollars, exclusive of interest,” approved March first, eighteen hundred and ninety-eight, be, and the same is hereby, repealed.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 352.—An ACT to amend and re-enact sections 913 as heretofore amended, 917, and 922 of the Code of Virginia.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That sections nine hundred and thirteen as heretofore amended, nine hundred and seventeen, and nine hundred and twenty-two of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 913. Who disqualified to be surveyors.—No clerk or deputy clerk of any court shall hold the office of surveyor or deputy surveyor in the same county.

§ 917. Examination of books of surveyors.—The circuit court of each county shall, once a year, and oftener, if it sees fit, appoint some person to examine the books of entries and surveys in possession of the county surveyor, who shall report the order and condition in which they are

kept. On the death or removal of the surveyor, the person so appointed may take such books into his possession and deliver them to his successor.

§ 922. Surveyors to set compass by meridian line and note variation on plats; record of variation to be kept.—As soon as said line has been established in any county, or if there has been one established by the geodetic survey of the United States, every surveyor in such county shall, on or before the first day of July in every year, set his compass by said line or by the line of the said geodetic survey, and ascertain the variation of his compass needle from the said line; he shall record the same in a book to be kept in the clerk's office of the county for the purpose, which shall be open to public inspection, and shall write plainly upon every map or plat of lands surveyed by him (except maps of town lots) the variation or deflection so ascertained, stating whether the same be east or west. Any surveyor who fails to record the variations of his needle as above required shall be liable to a fine of ten dollars, and any surveyor who fails to comply with the other requirements of this section in any case shall forfeit all claim for compensation in such case, and his map or plat shall be deemed invalid until corrected.

2. This act shall take effect on and after February first, nineteen hundred and four.

CHAP. 353.—An ACT to amend and re-enact section 32 of the Code of Virginia.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 32. The great seal.—The great seal of the Commonwealth shall consist of a metallic disc, two and three-quarter inches in diameter, containing within an ornamental border one-quarter of an inch wide, the following devices and mottoes, viz.: On the obverse: Virtus, the genius of the Commonwealth, dressed as an amazon, resting on a spear held in her right hand, and holding a sword in her left hand, her left foot on the figure of Tyranny, represented by a man prostrate, his head to her left, a crown falling from his head, a broken chain in his left hand, and a scourge in his right hand. Above the group, in a line parallel with the border, the word "Virginia," and in the exergue, on a curved line, the motto, "Sic semper tyrannis." On the reverse, a group Libertas with the wand and pileus in her right hand; on her right, Æternitas, with the globe and phoenix in her right hand; and on the left of Libertas, Ceres, with a cornucopia in her left hand, and ears of wheat in her right. Over this device, in a curved line, the word, "Perseverando."

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to amend and re-enact section 3196 of chapter 154 of the Code, as amended by an act entitled “an act to amend and re-enact sections 3195 and 3196 of the Code of Virginia, and to repeal section 3197 of same Code, in reference to disbarring attorneys at law,” approved March 7, 1900.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and ninety-six of chapter one hundred and fifty-four of the Code, as amended and re-enacted by an act entitled “an act to amend and re-enact sections thirty-one hundred and ninety-five and thirty-one hundred and ninety-six of the Code of Virginia, and to repeal section thirty-one hundred and ninety-seven of same Code, in reference to disbarring attorneys at law,” approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 3196. When suspended or annulled for malpractice.—If the supreme court of appeals or any court of record of this State observe any malpractice or any corrupt or unprofessional conduct therein by any attorney, or if complaint, verified by affidavit, be made to any such court of malpractice or of corrupt or unprofessional conduct by any attorney therein, or if complaint, verified by affidavit, be made to any court of record (other than the supreme court of appeals) of any malpractice or any corrupt or unprofessional conduct by any attorney practicing therein, such court shall issue a rule against such attorney to show cause why his license to practice law shall not be revoked or suspended. Upon the return of such rule a jury shall be empanelled, when required by the defendant, and if he be found guilty by the court or by the jury, where one is empanelled, his license to practice in such court shall be revoked, or suspended, for such time as the court may prescribe. When the case is in the supreme court of appeals the court shall direct one of its officers to summon a jury from the county or corporation in which said court is then being held, to be empanelled and paid as in cases of misdemeanor in the circuit or corporation court; and any revocation or suspension of license by said supreme court of appeals shall operate and be effective in all the courts of this Commonwealth.

The words “any malpractice or any corrupt or unprofessional conduct,” as used in this section, shall be construed to include the failure without sufficient cause, within a reasonable time after demand, of any attorney at law to pay over and deliver to the person entitled thereto, within a reasonable time, any money, security, or other property which has come into his hands as such attorney. In any proceedings to revoke or suspend the license of an attorney under this or the preceding section, the complainant shall be entitled to representation by counsel.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 355.—An ACT to amend and re-enact section 3436 of chapter 168 of the Code of Virginia, as amended by an act entitled “an act to amend and re-enact section 3436 of the Code of Virginia, in reference to the jurisdiction of injunctions,” approved March 6, 1900.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and thirty-six of chapter one hundred and sixty-eight of the Code of Virginia, as amended by an act entitled “an act to amend and re-enact section thirty-four hundred and thirty-six of the Code of Virginia, in reference to the jurisdiction of injunctions,” approved March sixth, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 3436. Jurisdiction of injunctions.—Jurisdiction of a bill for an injunction to any judgment or judicial proceeding shall be in the court in which the judgment was rendered or such proceeding is pending; except that jurisdiction of an injunction to a judgment of a county court rendered prior to the passage of this act or of a justice, or to any proceeding before a justice, shall be in the circuit court of the county, or the circuit, corporation, hustings or other court of the corporation, having chancery jurisdiction of the county or corporation in which the judgment was rendered or such proceeding is pending; and jurisdiction of an injunction to any other act or proceeding shall be in the circuit court of the county or the circuit, corporation, hustings, or other court of the corporation, having chancery jurisdiction, in which the act or proceeding is to be done, or is doing, or apprehended.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 356.—An ACT to amend and re-enact sections 555 and 559 of the Code of Virginia, in relation to licenses.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That sections five hundred and fifty-five and five hundred and fifty-nine of the Code of Virginia, in relation to licenses, be amended and re-enacted so as to read as follows:

§ 555. Commissioners to attend terms of circuit courts next preceding first day of May, and March and April terms of corporation courts, to issue licenses; when licenses expire; when no abatement of license.—The commissioner of every county or district shall attend at the courthouse and remain during the first three days of the term of the circuit court of the county next preceding the first day of May; and commissioners in cities shall attend the sessions of the corporation courts in March and April to issue certificates of license in pursuance of the provisions of this chapter. All licenses shall expire on the thirtieth day of April, except licenses to theatres, public shows, exhibitions or other performances, and to bowling alleys and to billiard and bagatelle tables at watering places. Licenses to keepers of bowling alleys, billiard tables or pool tables at

watering places may terminate on the thirtieth of April or at the end of four months, whichever may happen first. If granted for four months or less the tax thereon shall be fifty per centum of the annual tax. Licenses to theatres and panoramas shall be for one week or less. Licenses to public shows, exhibitions or other performances shall be for twenty-four hours, unless the same be concluded in less time, and if so concluded the license shall cease. It shall be held to have expired whenever additional pay is exacted to return to the exhibition or performance in lieu of a check authorizing the holder to return without compensation. In those cases wherein the circuit or corporation courts are required to give a certificate as a prerequisite to obtaining a license, or to give validity to a license, such certificate may be given at the March or April court next preceding the first day of May on which such license is to take effect. Where such license is not for the period of one year, such court may, at the time, or before granting a license, give such certificate. If any license be granted for less than a year, the tax thereon shall bear such proportion to the whole annual tax as the space of time between granting the same and the thirtieth of April bears to the whole year, unless otherwise provided; but there shall be no abatement from the tax on the following licenses, if the same be exercised for less than one year—to wit:

- First, To keep a stallion or jackass;
- Second, To common criers;
- Third, To attorneys at law, physicians, surgeons and dentists;
- Fourth, To manufacture ardent spirits or malt liquors;
- Fifth, To peddlers;
- Sixth, To sample merchants;
- Seventh, For the sale of patent rights;
- Eighth, For public rooms for exhibitions;
- Ninth, To daguerrean artists;
- Tenth, For the sale of manufactured articles by persons other than merchants.

§ 559. How license assignable, and so forth.—A license may be assigned to any person to whom it might have been originally granted, and in the event of the death of the licensee, the license may be assigned by his personal representative in like manner, and with the like effect as might have been done by the licensee himself. If the license was obtained, or had its validity by reason of a certificate of any court, or of any oath or bond, the assignment shall not be valid without a like certificate in favor of the assignee, and a like oath or bond by the assignee, as was required for the original grant; and when assigned shall be a personal privilege to the assignee, and shall not be exercised by any person other than the assignee, unless otherwise authorized by law.

2. This act shall be in force from its passage.

CHAP. 357.—An ACT to amend and re-enact sections 890, 891, 896, and 912 of the Code of Virginia as heretofore amended.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-six, and nine hundred and twelve of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows :

§ 890. Sheriff of city of Richmond, his election, qualification, and bond ; duties, powers, liabilities, and emoluments.—There shall be elected at the election on Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, by the qualified voters of the city of Richmond, one sheriff, who shall, on or before the first day of January next succeeding his election, qualify before the circuit court of said city, or the judge thereof in vacation, and give bond with surety in such penalty as may be required by the said court or judge, so that the same be not less than twenty thousand nor more than fifty thousand dollars. If such qualification be in vacation, the certificate thereof and the bonds shall be returned to the clerk of the said circuit court, who shall enter the said certificate in the order book of the said court and record the said bond. The said court may, whenever in its opinion it is necessary for the protection of the public interest, upon a rule awarded against such officer, require him to give a new bond, or an additional bond. If the said sheriff shall fail to qualify and give bond on or before the first day of January next succeeding his election, or shall fail to give a new bond or an additional bond within ten days after an order shall have been made requiring the same to be given, in either case his office shall be deemed vacant. Such new bond or additional bond may be given in court, or before the judge thereof in vacation, and when given in vacation the judge shall certify the fact and return the bond to the clerk of his court, who shall file and record the same in his office. The said sheriff shall attend the circuit court, the law and equity court, and the chancery court of the said city and act as the officer of said courts. He shall exercise the same powers, perform the same duties, have the same fees and compensation therefor, and be subject to the same penalties touching all process issued by said courts or by the clerks of said courts, or otherwise lawfully directed to him, that the sheriff of a county exercises, performs, and is entitled or subject to in his county.

The circuit and chancery courts and the law and equity court of the said city, respectively, shall have authority to make such allowance to the said sheriff for services in attending said court as may to them seem reasonable: provided, that the whole compensation so allowed shall not exceed twelve hundred dollars.

§ 891. Coroners, how appointed and removed.—The judge of each corporation court, and of each circuit court of a county of the State shall, on the first day of January, nineteen hundred and four, and every two years thereafter, appoint for his city or for each county, in his circuit respectively, as the case may be, one person, who shall be the coroner of such city or county, who shall qualify according to law, and serve until his successor is appointed and qualified. If the court shall be of opinion

that one coroner is not sufficient, he may appoint as many more as to him may seem proper. Coroners may be removed from office as provided in section eight hundred and twenty-one of this Code for the removal of certain officers.

§ 896. Appointment of criers; their bonds.—But the circuit court of any county or city court of any city, in the case provided for in section eight hundred and ninety-three, may, instead of leaving the duties of sheriff or sergeant to be performed by a coroner or constable, appoint a crier for said court, who shall also be crier of the circuit court of such city, and perform all the duties pertaining to the office of sheriff or sergeant therein, except such as relate to the collection of militia fines and officers' fees. And though persons be acting in any county as sheriff or deputy sheriff, or in any city as sergeant or deputy sergeant, yet when it is unfit from any cause for the sheriff or sergeant to serve any process, or to summon a jury, the court in which the case is pending may, instead of leaving those duties to be performed by a coroner or constable, appoint some other person to perform the same. It shall be the duty of such court to take from any person so appointed, or from any person who has been appointed and is still acting as crier, a bond, with condition for the faithful discharge of his duties, in such penalty as it may deem sufficient; and the same proceedings may be had thereon as upon a bond given by a sheriff.

§ 912. In what court motions may be made.—Any motion under either of the two preceding sections may be made in the court of the corporation, or in the circuit court of the county or corporation, in which the default or misconduct of the deputy occurred or was committed.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 358.—An ACT to amend and re-enact sections 2044, 2051, 2055, and 2058 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty hundred and forty-four, twenty hundred and fifty-one, twenty hundred and fifty-five, and twenty hundred and fifty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2044. Right of distress therefor; officer's return.—If any such animals be found running at large on any land mentioned in the preceding section, the owner or tenant of such land or his agent may furnish in writing, verified by affidavit, a statement of the number of each kind of such animals, their natural and artificial marks, and the number of days they have so trespassed, to any constable or sheriff of the county. Thereupon such officer shall distrain said animals, and return said statement, with his proceedings thereon, to the next term of the circuit court of his county.

§ 2051. Court may declare a stream of water or canal a lawful fence; proceeding therefor.—The circuit court of any county, upon a petition

of any proprietor or tenant of lands on any stream of water or canal, may, in its discretion, declare and establish the same, or any part of either within the limits and jurisdiction of the county, a lawful fence as to any of the stock named in section twenty hundred and forty-two. Notice of the application shall be given by posting a copy of the petition at the front door of the courthouse and two or more public places at or near the stream or canal, the part thereof to which the petition applies, for thirty days, and by publishing the same once a week for four successive weeks in a newspaper, if one is published in the county. At or before the trial of the cause, any person interested may enter himself a defendant thereto, and the same shall thereafter be proceeded in as other causes.

§ 2055. How its value determined.—The value of such fence, and the proportion thereof to be paid by such person, and the proportion of the division fence to be built by him, in case of his inclosing his land, shall be determined, in case the parties cannot agree, by three persons, to be agreed upon by them; and if they cannot so agree, by three disinterested persons, to be appointed by the circuit court, on motion of either party, after reasonable notice to the other.

§ 2058. To be in writing and recorded.—The decision made under either of the three preceding sections shall be reduced to writing and contain a description of the fence to be built or kept in repair, or both, and of the proportion to be maintained by each party, which decision shall be forthwith filed in the office of the clerk of the circuit court of the county, and be recorded in a book to be kept by him for the purpose.

2. This act shall take effect on the first day of February, nineteen hundred and four.

CHAP. 359.—An ACT to amend and re-enact sections 3029 and 3036 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty hundred and twenty-nine and thirty hundred and thirty-six of the Code of Virginia be amended and re-enacted so as to read as follows—to-wit:

§ 3029. When and by whom the writ granted.—The writ of habeas corpus ad subjiciendum shall be granted forthwith by any circuit court or corporation court, or any judge of either in vacation, to any person who shall apply for the same by petition, showing by affidavits or other evidence probable cause to believe that he is detained without lawful authority.

§ 3036. Facts proved may be made part of record.—All the material facts proved shall, when it is required by either party, be made a part of the proceedings, which, when they are had in vacation, shall be signed by the judge and certified to the clerk of the circuit court of the county, or the circuit or corporation court of the corporation, in which the judg-

ment is rendered, and be entered by him among the records of the court.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 360.—An ACT to amend and re-enact an act approved March 7, 1903, entitled "an act to authorize municipal corporations to issue bonds for the redemption of outstanding bonds."

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved March seventh, nineteen hundred and three, entitled "an act to authorize municipal corporations to issue bonds for the redemption of outstanding bonds," be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That any municipal corporation having lawfully issued bonds shall have the power and authority to provide by ordinance for the issue of new bonds for the redemption and liquidation thereof when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount the original bonds to be redeemed, liquidated or refunded, may be registered or coupon, and shall be sold to the highest bidder for cash: provided, no such new bonds shall bear a higher rate of interest than six per centum per annum: and provided, further, that the proceeds of the sale of the new bonds so issued shall be used only in the payment of the old bonds which are subject to call, redemption, or can otherwise be refunded or redeemed. The bonds issued under this act shall be payable in lawful money of the United States; and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and shall be applied to such redemption and to no other purpose.

2. This act shall be in force from its passage.

CHAP. 361.—An ACT to amend and re-enact sections 581 and 585 of the Code of Virginia, as heretofore amended.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections five hundred and eighty-one and five hundred and eighty-five of the Code of Virginia as heretofore amended, be amended and re-enacted so as to read as follows:

§ 581. Upon what petition court may order election in county, district, or city; notice to be posted thirty days; by whom election held; after one election, two years must elapse before another.—Whenever such of the qualified voters of each magisterial district in a county or of any magis-

terial district in a county or of a city as shall be equal in number to one-fourth of the number of the persons voting at the preceding regular November election in such county, district or corporation shall, in term or vacation, petition the judge of the circuit or corporation court of such county or corporation for a special election in such county, district or corporation on the question of granting or not granting a liquor license therein, such court or judge shall, within ten days after the receipt of said petition, issue a writ of election, in which shall be fixed the day of holding such election, directed to the sheriff of his county or sergeant of his corporation, as the case may be, whose duty it shall be to forthwith post a notice of said election at each voting precinct in said county, if the election is to be held in the whole county, or at each voting precinct in any magisterial district when the election is ordered to be held only in such magisterial district, or at each voting precinct in said corporation. He shall also give notice to the officers charged with the duty of conducting other elections in said county, magisterial district or city, as the case may be; but no election shall be held under this chapter within less than thirty days from the posting of such notices as aforesaid. Said special elections shall be held and conducted as other special elections are held and conducted. But no election hereunder shall be deemed to include any town of one thousand inhabitants or over, nor shall the voters residing therein vote at such election within such magisterial district, unless said town shall desire to avail itself of the provisions of this chapter in accordance with section five hundred and eighty-five. If it appears from the abstracts and returns that a majority of the votes cast at such election were against liquor license, no license shall be granted for the sale of wine, spirituous or malt liquors, or any mixture thereof, within such county, magisterial district or corporation.

After any such election has been held in any county, magisterial district or city there shall not be another election under this chapter held in said county, magisterial district or city within two years.

§ 585. How elections ordered in a town; if a majority against license, none is to be granted.—If any town of not less than one thousand inhabitants, whether constituting a separate election district or not, shall desire to avail itself of the provisions of this chapter, a petition of such of the qualified voters of such town as shall be equal in number to one-fourth of the number of the persons voting at the preceding regular municipal election may be presented, in term or vacation, to the judge of the circuit or corporation court having jurisdiction of said town, who shall thereupon order a special election in conformity with the provisions of the four preceding sections; and if it appear from the abstracts and returns that a majority of the votes cast at such election were against liquor license, no license shall be granted for the sale of wine, spirituous or malt liquors, or any mixture thereof, within the corporate limits of such town. After such election has been held there shall not be another election under this chapter held in said town within two years.

2. This act shall take effect on the first day of February, nineteen hundred and four.

CHAP. 362.—An ACT to amend and re-enact sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 233, and 235 of the Code of Virginia, and to amend and re-enact section 232 of the Code of Virginia as amended and re-enacted by an act entitled “an act to amend and re-enact section 232, chapter 17, of the Code of Virginia, relating to the appointment of directors and surgeon of penitentiary, approved February 19, 1892,” as amended by an act approved April 24, 1903, entitled “an act to amend and re-enact section 232 of the Code of Virginia, as amended by an act approved February 19, 1892, in relation to the appointment of directors and surgeon of the penitentiary.”

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one, two hundred and thirty-three, and two hundred and thirty-five of the Code of Virginia, and two hundred and thirty-two of the Code of Virginia as amended and re-enacted by an act approved February nineteenth, eighteen hundred and ninety-two, entitled “an act to amend and re-enact section two hundred and thirty-two, chapter seventeen, of the Code of Virginia, relating to the appointment of directors and surgeon of penitentiary,” as amended and re-enacted by an act approved April twenty-fourth, nineteen hundred and three, entitled “an act to amend and re-enact section two hundred and thirty-two of the Code of Virginia as amended by an act approved February nineteenth, eighteen hundred and ninety-two, in relation to the appointment of directors and surgeon of the penitentiary,” be amended and re-enacted so as to read as follows:

§ 223. Election of certain officers at seat of government.—There shall be elected every four years, by the joint vote of the two houses of the general assembly, the following officers: An auditor of public accounts, a second auditor, a register of the land office, and a superintendent of public printing.

§ 224. Term of office and time of qualification.—The term of office of each of them shall commence on the first day of March, nineteen hundred and four, and continue four years, and afterwards until a successor shall be qualified according to law. Each of the aforesaid officers shall be allowed thirty days from the day of his election within which to qualify; and if he fail to qualify within said time his office shall be deemed vacant.

§ 225. The bonds of certain officers and of their clerks.—The officers and clerks herein named shall each give bond, with sufficient sureties, to be approved by the governor. Such surety may be either personal or a guaranty or trust company. If any clerk herein required to give bond with surety shall give as such surety a guaranty company, the cost thereof shall be paid by the Commonwealth: provided, that the charge made by such company for becoming such surety shall be approved by a board composed of the governor, lieutenant-governor, and attorney-general as a fair and reasonable charge.

The penalties of the bonds shall be as follows: Of the secretary of the Commonwealth, ten thousand dollars; of each of his clerks, three thousand dollars; of the State treasurer, one hundred thousand dollars; of

each of his clerks, five thousand dollars; of the superintendent of public instruction, ten thousand dollars; of each of his clerks, two thousand dollars; of the commissioner of agriculture, ten thousand dollars; of each of his clerks, five thousand dollars; of the auditor of public accounts, thirty thousand dollars; of each of his clerks, ten thousand dollars; of the second auditor, twenty thousand dollars; of each of his clerks, seven thousand five hundred dollars; of the register of the land office, ten thousand dollars; of the superintendent of public printing, five thousand dollars.

§ 226. To be submitted to attorney-general.—Each of the said officers and clerks, required by the preceding section to give bond, shall submit his bond to the attorney-general for his examination, and in case of his inability to act, by reason of sickness or otherwise, to such person learned in the law, as the governor may select; and if, after examination, such bond is found to be in proper form and legally executed, the attorney-general, or the person so selected by the governor, shall make an endorsement on it to that effect.

§ 227. Governor may require new bonds or additional bonds.—Any such officer or clerk shall be required by the governor, whenever in his opinion it is necessary for the protection of the public interest, to give a new bond or a bond in addition to one already given, to be approved by the governor, within such reasonable time after the officer or clerk has been notified of the requirement, as the governor shall prescribe; and if the officer or clerk fail or refuse to give the bond required, his office shall be deemed vacant.

§ 228. Where bonds filed.—The bond of each of the said officers and clerks mentioned in section two hundred and twenty-five, except the auditor of public accounts and his clerks, after it shall have been recorded by the secretary of the Commonwealth, as required by section one hundred and seventy-seven, shall be transmitted by him to the auditor of public accounts, who shall file the same in his office. The bonds of the auditor of public accounts, and of his clerks, after they have been recorded as aforesaid, shall be retained and filed by the secretary of the Commonwealth in his office.

§ 229. When election or appointment of officers and clerks void.—If the bond of any such officer mentioned in section two hundred and twenty-three be not so approved, or the oath prescribed be not taken by him within thirty days after his election, the election shall be considered as void, and the general assembly, if it be in session, or if not the governor, may proceed to make a new election or appointment. If the bond of the secretary of the Commonwealth, of the State treasurer, of the superintendent of public instruction, or of the commissioner of agriculture, be not given and approved within thirty days from the beginning of the term for which he is elected, the election of such officer shall be deemed void, and his office shall be deemed vacant, and shall be filled as provided by section ninety-one. If the bond of any of the clerks, required by section two hundred and twenty-five to give bonds, be not given and approved within thirty days from the date of his appointment, his office shall be deemed vacant, and shall be filled as provided by law.

§ 230. How removed from office.—Any of the said officers may be removed from office by joint vote of the two houses of the general assembly, or, during the recess thereof, may be suspended by the governor. This power shall not be exercised by the governor except for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law. In any case in which this power is so exercised by the governor, he shall fill the office by a temporary appointment, and report to the general assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the general assembly shall determine whether such officer shall be restored or finally removed.

§ 231. When governor may fill vacancy.—When either of the said offices shall become vacant during the recess of the general assembly, the governor may make an appointment to fill the vacancy by a commission to expire at the end of thirty days after the commencement of the next session of the general assembly, and the person appointed, after giving such bond and taking such oaths as are prescribed by law, shall act in the office until an appointment be made by the general assembly and the person appointed by the assembly be qualified and give bond according to law.

§ 232. Appointment of directors, superintendents, and surgeons of penitentiary; their terms of office; how vacancies filled; qualification.—The governor shall, on the first day of February, nineteen hundred and three, or as soon thereafter as may be, appoint, subject to confirmation by the senate, a board of five directors, which shall have the government and control of the penitentiary, branch prisons, and prison farms, subject to such regulations and requirements as may be prescribed by law. The terms of office of the said directors shall commence on the first day of March, nineteen hundred and three, and be as follows: Under the first appointment under this act, one director shall hold for one year, one for two years, one for three years, one for four years, and one for five years, and all succeeding appointments, which shall be made by the governor annually on the first day of February, or as soon thereafter as may be, subject to confirmation by the senate, as the terms of the directors first appointed shall respectively expire, shall be for terms of five years. If any vacancy occur in the board of directors, it shall be filled by the governor for the unexpired term or until thirty days after the beginning of the next session of the general assembly, whichever shall happen first; and within thirty days after the next session of the general assembly the governor shall appoint, subject to confirmation by the senate, a director to serve for the remaining portion of such unexpired term. The said board, as soon as practicable after the passage of this act, and every four years thereafter prior to the first day of December, shall appoint a superintendent and surgeon of the penitentiary and a superintendent and surgeon for the State prison farm. Their terms of office shall begin on the second day of January following their appointment, and continue four years and until their successors shall give bond and qualify according to law: provided, that the term of office of those first appointed shall begin on the second day of January, nineteen hundred and four. Each of the aforesaid officers shall be allowed thirty days from the day of his appointment within which to qualify and give such bond as may be prescribed by law, and if he fail to qualify and to give such bond within said time

his office shall be deemed vacant. The said directors, superintendents, and surgeons shall be qualified to act as soon as they have taken the oaths and given the bonds as prescribed by law and delivered a certificate thereof or a transcript as directed by section one hundred and seventy-five of the Code. All vacancies occurring in the offices of said superintendents or surgeons shall be filled by said board for the unexpired term.

§ 233. Secretary of Commonwealth to appoint clerks.—The secretary of the Commonwealth shall appoint in his office the clerks allowed by law.

§ 235. How, and for what certain officers and clerks may be suspended or removed.—The officers whose appointment by the governor is provided for in sections two hundred and thirty-one and two hundred and thirty-two may be suspended, and the officers and clerks whose appointment is provided for in the three preceding sections, except those appointed by the governor, may be removed by the officer or board having the power of appointment, for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law. And when any of such officers are so suspended the office shall be filled in the same manner, and the governor shall make the same report to the general assembly at the beginning of the next session, and the assembly shall take the same action thereon as is prescribed in section two hundred and thirty of the Code of Virginia.

2. This act shall be in force from its passage.

CHAP. 363.—An ACT to amend and re-enact sections 157, 158, 159, 160, and 161 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, and one hundred and sixty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 157. Contested elections of governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and the commissioner of agriculture and immigration.—In all contested elections of governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture and immigration, notice of such contest shall be given to the party whose election is contested within ten days after the declaration of the result of such election shall have been officially made, and a counter notice shall be given to the contestant within ten days after the receipt of the notice of contest. Depositions shall be taken and certified to the clerk of the house of delegates, in contest for governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, and State treasurer, as prescribed in contests for seats in the general assembly, and in contests for the office of superintendent of public instruction and commissioner

of agriculture and immigration the depositions shall be certified to the special court provided for in section one hundred and fifty-nine; and the witnesses shall be summoned and entitled to like allowances and privileges, and be subject to like penalties as witnesses summoned to attend the circuit or corporation courts.

§ 158. How contest determined in case of governor, lieutenant-governor, secretary of the Commonwealth, treasurer, and attorney-general.—Contested elections, in the cases of governor, lieutenant-governor, secretary of the Commonwealth, State treasurer, and attorney-general, shall be determined by the general assembly, both branches thereof sitting in joint session in the hall of the house of delegates, at which joint session the speaker of the house of delegates shall preside.

§ 159. How, in case of superintendent of public instruction and commissioner of agriculture and immigration.—Contested elections for the offices of superintendent of public instruction and commissioner of agriculture and immigration shall be determined by a special court composed of three circuit judges (selected by the executive), upon either oral or written evidence, taken in accordance with the laws prescribing the mode of taking and receiving testimony in courts of justice. The rules of proceeding shall be such as the said court may prescribe. Notice of such contest shall be delivered to the executive, who shall issue his proclamation, convening the said court in the State courthouse, in the city of Richmond, at such time as he may appoint, not exceeding ninety days after the date of such notice. Whereupon it shall be the duty of such court to hear and determine such case or cases of contested election. If any member of said court is prevented by any cause from sitting, his place shall be filled by selection of some other circuit judge by the executive.

§ 160. How election of county, corporation and district officers contested.—The returns of elections of county, corporation and district officers shall be subject to the inquiry, determination and judgment of the circuit court of the county or corporation court of the corporation wherein the election was held; upon the complaint of fifteen or more qualified voters of such county, corporation or district, of an undue election or false return. If the objection be to the legality of the election or eligibility of the person receiving the certificate, the complaint shall so state, and the nature of the objection. If the objection be on the ground of votes received or rejected, the complaint shall set forth a list of such as were improperly received, with the objections to each, and of the votes improperly rejected. Two of the persons making the complaint shall take and subscribe an oath that the facts therein stated are true to the best of their knowledge and belief. The complaint shall be filed in the clerk's office of the circuit court of the county or corporation court of the corporation, and a copy thereof served, as a notice is served, within ten days after the election on the person whose election is contested, otherwise the complaint shall not be valid. Such person shall, within ten days after the copy is served on him as aforesaid, file in the clerk's office a counter complaint, in which he shall set forth a list of all the votes which he will dispute, with the objections to each, and of the votes improperly rejected which he will claim, and a state-

ment of the objections, if any he has, to the person in whose behalf the contest is made. If no such counter complaint be filed within the time prescribed, the person whose election is contested shall not be heard to assert any claim or objection which is herein required to be stated in such counter complaint. After service of a copy of the complaint as aforesaid either party, after reasonable notice to the adverse party, shall be at liberty to take depositions to sustain or invalidate the election or return, and unless good cause be shown for a continuance, the court, at the next term, shall proceed to determine the contest without a jury, on the testimony thus taken, and upon any other legal testimony that may be adduced by either party. In judging of such election or return, the court shall proceed on the merits thereof and decide the same according to the Constitution and laws. When the contest is decided, a certificate of election shall be granted to the successful party, unless he shall have already received one. If, however, the court shall be of the opinion that there has been no valid election of any person, the proceedings shall be in conformity with section one hundred and six.

§ 161. No appeal.—No petition shall be presented for an appeal from writ of error or supersedeas to any judgment or order of a circuit or corporation court under the preceding section, but the judgment or order of said court shall be final.

2. This act shall be in force from its passage.

CHAP. 364.—An ACT to amend and re-enact sections 168, 169, 170, 175, and 180 of chapter 13 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-five, and one hundred and eighty of chapter thirteen of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 168. Form of general oath.—Every person before entering upon the discharge of any function as an officer of this State shall take and subscribe the following oath: "I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability. So help me God."

§ 169. Form of oath against duelling where disabilities not removed.—He shall also at the same time, unless his disabilities shall have been removed by the general assembly, take and subscribe the following oath: "I swear that I have not, while a citizen of this State, since the tenth day of July, nineteen hundred and two, fought a duel with a deadly weapon, or sent or accepted a challenge to fight a duel

with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed such challenge, or aided or assisted in any manner in fighting such duel: and that I will not fight a duel with a deadly weapon, or send or accept a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly convey such challenge, or aid or assist in any manner in fighting such duel during my continuance in office. So help me God."

§ 170. To provide a modified oath for officers who are unable to take the oath required by section one hundred and sixty-nine.—When any person elected or appointed to any post or office under the laws of this Commonwealth, including members of the general assembly, be so situated that he cannot take and subscribe the oath required by the preceding section, such person may take and subscribe in lieu thereof the following oath: "I swear (or affirm) that I have not, since the removal of my disabilities by an act of the general assembly, approved the _____ day _____, nineteen____, fought in a duel, the issue of which was or might have been the death of either party; nor have I been knowingly the bearer of any challenge or acceptance to fight a duel actually fought, nor have I been otherwise engaged or concerned, directly or indirectly, in a duel actually fought since said time, nor will I during my continuance in office be so engaged, directly or indirectly. So help me God."

§ 175. Where the fact of oaths having been taken is recorded.—When a person elected or appointed to any office or post takes the oaths required of him in a court of record, a transcript from the record of the court, stating the fact of their having been taken, and when he takes such oaths before a judge, or other person, a certificate of the person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record, as follows—that is to say: When the oaths are taken by the governor, lieutenant-governor, the attorney-general, superintendent of public instruction, commissioner of agriculture and immigration, State assayer and chemist, members of the State corporation commission, librarian, and commissioner of State hospitals for the insane, either of the officers mentioned in sections two hundred and twenty-three, two hundred and thirty-two, two hundred and thirty-three, or forty-one hundred and sixty, or a commissioner appointed by the governor, the record shall be on the journal of the executive. When taken by any of the clerks mentioned in the fourth, fifth, and sixth subdivisions of section one hundred and eighty-three, it shall be in the office of that officer by whom the clerk may have been appointed. When taken by a judge, the record shall be in the first court in which he sits. When taken by any officer appointed by or belonging to a court, it shall be in the said court, or in such other as is prescribed by law. In the case of a member or officer of either house of the general assembly, the record shall be on the journal of the house, or in such other manner as the house may prescribe by its rules.

And in the case of any other officer, unless it be otherwise provided, the record shall be in the court of the county or corporation in which his duties are to be discharged; or, if his duties are not to be discharged

wholly in one county or corporation, then in the court of the county or corporation in which such officer resides.

§ 180. How bonds sued on.—Suits, or motions as provided by section thirty-two hundred and ten, may be prosecuted from time to time upon any bond mentioned in sections one hundred and seventy-seven and one hundred and seventy-eight, in the name of the Commonwealth, for the benefit of the Commonwealth, a county or any person injured by any breach of the condition of such bond as often as any such breach may be alleged until damages shall be recovered for such breaches equal to the penalty of the bond.

2. This act shall be in force from its passage.

CHAP. 365.—An ACT to amend and re-enact section 2063 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty hundred and sixty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2063. Valuation, and so forth, to be recorded and posted.—The said freeholders shall return their certificate, with the warrant, to the clerk of the circuit court of the county, or clerk of the corporation court of the corporation, who shall record the same in a book kept for that purpose, and post a copy thereof at the front door of his courthouse on the first day of two terms of said court next after receiving the certificate.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 366.—An ACT to amend and re-enact sections 4 and 5 of an act approved February 12, 1894, entitled "an act to establish the law and equity court of the city of Richmond, and to define its jurisdiction and relation to the other courts of said city."

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections four and five of an act approved February twelfth, eighteen hundred and ninety-four, entitled "an act to establish the law and equity court of the city of Richmond and to define its jurisdiction and relation to the other courts of said city," be amended and re-enacted so as to read as follows:

§ 4. The sheriff of the city of Richmond shall be the officer of said law and equity court; he shall attend the same and do and perform the duties, have and exercise the powers, receive the compensation, and be liable to the penalties of a sheriff in relation to a circuit court.

There shall be a clerk of said law and equity court appointed or elected as provided in section three thousand and eighty-two of the Code of Virginia, who shall perform similar duties, be liable to the same penalties,

and be governed by the same general laws as a clerk of a circuit court, and receive like fees and emoluments and the same compensation as the clerk of the circuit court of the city of Richmond.

The judge of said court shall appoint as many commissioners in chancery for said court as he may deem necessary, not exceeding five in number; and a commissioner in chancery of the chancery court of the city of Richmond may be appointed a commissioner in chancery of the said law and equity court.

The rules in the clerk's office of said law and equity court shall be held in the same manner and governed by the same general laws as rules in a circuit court are or may hereafter be held or governed, and the clerk of said court shall put upon the docket thereof, as soon as matured at rules and in the order in which they are matured, all cases and motions matured during the terms of said court.

§ 5. The salary of the judge of said law and equity court shall be such as is fixed, and shall be paid in the manner prescribed by law.

§ 6. This act shall be in force from its passage.

CHAP. 367.—An ACT to amend and re-enact section 2914 of the Code of Virginia in relation to "where bond filed with justice to be returned."

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and fourteen of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2914. Where bond filed with justice to be returned.—Any bond filed with or returned to a justice shall be forthwith returned by him to the clerk's office of the circuit court of the county or corporation court of the corporation in which he resides.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 368.—An ACT to repeal an act approved March 3, 1898, entitled "an act to provide a circuit court for the city of Bristol, Virginia," and to authorize the clerk of said court to transfer to the corporation court for said city the cases pending in said circuit court.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That the act approved March the third, eighteen hundred and ninety-eight, entitled "an act to provide a circuit court for the city of Bristol, Virginia," be, and the same is hereby, repealed; the circuit court for said city, established by said act, is hereby abolished, and the clerk of said court be, and he is hereby, authorized to transfer from the docket and records of

said court all cases now pending therein to the corporation court for said city.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 369.—An ACT to amend and re-enact sections 2785 and 2786 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-seven hundred and eighty-five and twenty-seven hundred and eighty-six of the Code of Virginia be amended and re-enacted so as read as follows:

§ 2785. Notice to terminate a tenancy; on whom to be served; when notice necessary.—A tenancy from year to year may be terminated by either party giving notice, in writing, prior to the end of any year, for three months if it be for land within, and for six months if for land without a city or town, of his intention to terminate the same. A tenancy from month to month may be terminated by either party giving thirty days' notice, in writing, prior to the end of the month, of his intention to terminate the same. When such notice is to the tenant, it may be served upon him or upon any one holding under him the leased premises, or any part thereof. When it is by the tenant, it may be served upon any one who, at the time, owns the premises in whole or in part, or the agent of such owner, or according to the common law. This section shall not apply where, by special agreement, no notice is to be given; nor shall notice be necessary from or to a tenant whose term is to end at a certain time.

§ 2786. When tenant deserts premises, how landlord may enter, et cetera.—If any tenant from whom rent is in arrear and unpaid shall desert the demised premises and leave the same uncultivated or unoccupied, without goods thereon subject to distress sufficient to satisfy the said rent, the lessor or his agent may post a notice, in writing, upon a conspicuous part of the premises, requiring the tenant to pay the said rent, in the case of a monthly tenant within ten days, and in the case of a yearly tenant within one month from the date of such notice. If the same be not paid within the time specified in the notice, the lessor shall be entitled to possession of the premises and may enter thereon, and the right of such tenant thereto shall thenceforth be at an end; but the landlord may recover the rent up to that time.

2. This act shall be in force from its passage.

CHAP. 370.—An ACT to repeal an act entitled “an act to provide for making enumerations to determine the population of a town or city, as provided for by section 116 of the Constitution of Virginia,” which became a law without the governor's signature May 21, 1903.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to provide for making enumerations to determine the population of a town or city, as provided for by section one hundred and sixteen of the Constitution of Virginia,” which became a law without the governor's signature May twenty-first, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 371.—An ACT to repeal an act approved March 28, 1903, in relation to representation of the wards of cities in the councils thereof and to the reapportionment of such representation.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved March twenty-eighth, nineteen hundred and three, entitled “an act to provide for the representation of the several wards of cities in the councils thereof and for the reapportionment of such representation,” be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 372.—An ACT to amend and re-enact sections 2117 and 2118 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and seventeen and twenty-one hundred and eighteen of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2117. Jurisdiction of circuit courts for counties over waters adjacent to the counties.—The circuit courts for the several counties adjacent to the waters in which any offense under this chapter is committed shall have concurrent jurisdiction of every such offense, and the circuit courts for the counties lying on waters bounding the State shall have concurrent jurisdiction of all such offenses committed on said waters, so far as the jurisdiction of this State extends.

§ 2118. Judges to charge grand juries.—The judge of each circuit and corporation court shall give in charge to every regular grand jury

thereof the provisions of this chapter, so far as the same may be applicable to his county or corporation.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 373.—An ACT to amend and re-enact section 3455 of the Code of Virginia in relation to petition for appeal, writ of error, or supersedeas, when prohibited, as amended by an act approved January 18, 1888.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section three thousand four hundred and fifty-five of the Code of Virginia as amended by an act approved January eighteenth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 3455. When prohibited.—No petition shall be presented for an appeal from, or writ of error or supersedeas to, any final judgment, decree, or order, whether the Commonwealth be a party or not, which shall have been rendered more than one year before the petition is presented, except as provided by section thirty-four of an act relating to the State corporation commission, approved April fifteenth, nineteen hundred and three; nor to any judgment of a circuit or corporation court, which is rendered on an appeal from a judgment of a justice, except in cases where it is otherwise expressly provided; nor to a judgment, decree, or order of any court when the controversy is for a matter less in value or amount than three hundred dollars, exclusive of costs, unless there be drawn in question a freehold or franchise or the title or bounds of land, or the action of the State corporation commission or some matter not merely pecuniary: provided, however, that if the final decree from which an appeal is asked is a decree refusing a bill of review to a decree rendered more than six months prior thereto, no appeal from or supersedeas to such decree so refusing a bill of review shall be allowed unless the petition be presented within six months from the date of such decree.

2. This act shall be in force from its passage.

CHAP. 374.—An ACT to prohibit advertising of any offer to obtain divorces.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That whosoever prints, publishes, distributes, or circulates, or causes to be printed, published, distributed, or circulated, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure, or aid in procuring, any divorce, or the severance, dissolution, or annulment of any marriage, and by such publications as above mentioned offering to engage, appear, or act as attorney or counsel in any suit for alimony or divorce, or the severance, dissolution, or an-

nulment of marriage, either in this State or elsewhere, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars, and the person so convicted shall, in addition to the above penalty, be disbarred from practicing as such attorney at law in the courts of this Commonwealth.

2. This act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this State or orders of any court.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 375.—An ACT to amend and re-enact section 2386 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-three hundred and eighty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2386. Publication of escheator's certificate.—The register shall cause the contents of such certificate to be published six weeks in some newspaper printed in Richmond and in the city of Washington, and shall lay before the governor a copy of such certificate. The costs of such publication shall be paid by the second auditor of the State from the literary fund, on the order of said register of the land office.

2. This act shall be in force from its passage.

CHAP. 376.—An ACT to amend and re-enact section 2629 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and twenty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2629. How property of non-resident minor or insane person transferred to foreign guardian or committee.—When any minor or insane person entitled to property or money in this State resides out of it, on the petition of a guardian or committee lawfully appointed and qualified in the State or county of his residence, to which petition such minor or insane person, and the committee of such insane person, if there be one, shall be made parties defendant, and the court shall appoint a guardian ad litem to such minor or insane defendant, who as well as such committee, if there be one, shall answer the petition on oath, the circuit court of the county, or circuit or corporation court of the corporation, in which the estate is, may order the guardian or committee in this State, if there

be one, to pay and deliver to such foreign guardian or committee, or his agent or attorney, all personal property and money in his hands belonging to said ward or insane person, and authorize such foreign guardian or committee to sue for, recover, and receive all money or personal property which belongs to his ward or insane person, including the accruing rents of his real estate, in like manner as if he were appointed a guardian or committee of such ward or insane person in this State, and remove the same to the State or county in which said foreign guardian or committee was appointed and qualified.

2. This act shall be in force from its passage.

CHAP. 377.—An ACT to amend and re-enact sections 2961 as amended by an act approved March 2, 1896, 2962, and 2965 as amended by an act approved February 27, 1894, of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-nine hundred and sixty-one, as amended by an act approved March second, eighteen hundred and ninety-six, twenty-nine hundred and sixty-two and twenty-nine hundred and sixty-five, as amended by an act approved February twenty-seventh, eighteen hundred and ninety-four, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 2961. Attachment against debtor removing his effects out of the State, whether claim payable or not.—On complaint by any person, his agent or attorney, whether the claim of such person is payable or not, to a justice, or to the clerk of the circuit or of any city court of the county or corporation in which the debtor against whom the claim is resides, or in which he has estates or debts owing to him, or if he has removed from the State in which he last resided, or in which he has estate or debts owing to him, or if he has never resided in the State in which he has estate or debts owing to him, or if such debtor be a corporation in which such corporation has estate or debts owing to it, that the said debtor intends to remove or is removing, or has removed his effects out of this State, so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefor, should only the ordinary process of law be issued to obtain the judgment, if such person, his agent or attorney, make oath to the truth of the complaint to the best of his belief, as well as to the amount and justice of the claim, and if the same is not payable, at what time it will be payable, the justice or clerk, as the case may be, shall issue an attachment against the estate of the debtor for the amount so stated.

§ 2962. Against tenant removing his effects from leased premises.—On complaint by any lessor, his agent or attorney, to a justice or to the clerk of the circuit court of the county or of the circuit or any city court of the corporation in which the leased premises or a part thereof may be, that any person liable to him for rent intends to remove, or is removing,

or has, within thirty days, removed his effects from such premises, if such lessor, his agent or attorney, make oath to the truth of such complaint to the best of his belief and to the rent which is reserved (whether in money or other thing), and will be payable within one year, and the time or times when it will be so payable, and also make oath either that there is not, or he believes, unless an attachment issues, that there will not be left on such premises property liable to distress sufficient to satisfy the rent so to become payable, such justice or clerk, as the case may be, shall issue an attachment for the said rent against such goods as might be distrained for the same if it had become payable, and against any other estate of the person so liable therefor.

§ 2965. To whom attachment may be directed when returnable.—Any attachment issued under this chapter may be directed to the sheriff, sergeant or constable of any county or corporation. If issued in a pending suit, it shall be returnable to a term of the court in which the same is pending, or to some rule day thereof. When not issued in a pending suit, if the claim exceed twenty dollars (exclusive of interest), it shall be returnable by the justice or clerk issuing the same, at the option of the plaintiff, to the next term of the circuit court of the county or to the circuit or any city court having jurisdiction of the subject matter of the corporation in which such justice or clerk resides. Any attachment issued by a justice or clerk, the return of which is not elsewhere provided for, shall, when the claim does not exceed twenty dollars (exclusive of interest), be returnable and proceeded upon according to the provisions of section twenty-nine hundred and eighty-eight: provided, that when issued by a clerk such attachment shall be returnable before some justice of his county or corporation.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 378.—An ACT to amend and re-enact sections 2636, 2637, 2639, 2640, 2642, 2645, and 2647 of the Code of Virginia, and to amend and re-enact section 2644 of said Code as amended and re-enacted by act approved February 12, 1892, entitled "an act to amend and re-enact section 2644 of the Code of Virginia, in regard to the marriage of a female personal representative.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-six hundred and thirty-six, twenty-six hundred and thirty-seven, twenty-six hundred and thirty-nine, twenty-six hundred and forty, twenty-six hundred and forty-two, twenty-six hundred and forty-five, and twenty-six hundred and forty-seven of the Code of Virginia, and section twenty-six hundred and forty-four of said Code as amended by act approved February twelfth, eighteen hundred and ninety-two, entitled "an act to amend and re-enact section twenty-six hundred and forty-four of the Code of Virginia, in regard to marriage of a female personal representative, be amended and re-enacted so as to read as follows:

§ 2636. What an executor may do before qualification.—No person

appointed by a will executor thereof shall have the powers of executor until he qualifies as such by taking an oath and giving bond in the court in which or before the clerk by whom the will or an authenticated copy thereof is admitted to record, except that he may provide for the burial of the testator, pay reasonable funeral expenses, and preserve the estate from waste.

§ 2637. When and to whom administration, with the will annexed, may be granted.—If there be no executor appointed by the will, or if all the executors therein named refuse the executorship, or fail, when required to give such bond, which shall amount to such refusal, the said court, or clerk, may grant administration, with the will annexed, to the person who would have been entitled to administration if there had been no will, upon his taking such oath and giving such bond.

§ 2639. What clerk or court to appoint administrator of an estate; who to be preferred.—In the case of a person dying intestate, the jurisdiction to hear and determine the right of administration of his estate shall be in the same court or before the same clerk who would have jurisdiction as to the probate of his will, if there was a will. Administration shall be granted to the distributees who apply therefor, preferring first the husband or wife, and then such of the others entitled to distribution as the court or clerk shall see fit. But any of the said distributees may at any time waive their right to qualify in favor of any other person to be designated by them. If no distributees apply for administration within thirty days from the death of the intestate, the court or clerk may grant administration to one or more of the creditors, or to any other person.

§ 2640. Oath and bond of administrator; when grant to cease.—Before any grant of administration as of the estate of an intestate, the person to whom it is granted shall, in the court or before the clerk granting it, give bond and take an oath that the deceased has left no will, so far as he knows, and that he will faithfully perform the duties of his office to the best of his judgment. If a will of the decedent be afterwards admitted to record, or if, after administration is granted to a creditor or other person than a distributee, any distributee who shall not have before refused shall apply for administration, there may be a grant of probate or administration, after reasonable notice to such creditor or other person, in like manner as if the former grant had not been made; and the said former grant shall thereupon cease.

§ 2642. When security not to be required.—Where the will directs that an executor shall not give security, the court or clerk shall not require it of him, unless on the application of any person interested, or from its or his own knowledge, it or he thinks security ought to be required.

§ 2644. On marriage of female personal representative her authority is not extinguished.—Where an unmarried woman who is a personal representative, either alone or jointly with another, shall marry, her husband shall not be a personal representative in her right, but the marriage shall not operate as an extinguishment of her authority. Whenever such female personal representative shall marry, the court in which or before whose clerk she qualified shall, on the motion of any surety on her bond

as such, and may on the motion of any other person interested, or when it shall seem proper to such court, revoke her powers and authority, and thereafter the other personal representative, if there be any, may proceed in discharging the trust as if she were dead, and if there be no other administration de bonis non (with the will annexed, if there be a will) may be granted by the court.

§ 2645. When estate of decedent committed to sheriff or sergeant; no bond required of officer; when court may revoke order and allow another to qualify.—If at any time two months elapse without there being an executor or administrator of the estate of a decedent (except during a contest about the decedent's will or during the infancy or absence of the executor), the court, or in vacation the clerk thereof, in which or by whose clerk the will was admitted to record, or which has jurisdiction to grant administration on the decedent's estate, shall, on the motion of any person, order the sheriff of the county or corporation or the sergeant of the corporation, if there be no sheriff of the corporation, to take into his possession the estate of such decedent and administer the same; whereupon such sheriff or sergeant, without taking any other oath of office or giving any other bond or security than he may have before taken or given, shall be the administrator, or administrator de bonis non, of the decedent, with his will annexed, if there be a will, and shall be thenceforward entitled to all the rights and bound to perform all the duties of such administrator. The court may, however, at any time afterwards, on reasonable notice to such sheriff or sergeant, revoke such order made by it or its clerk, and allow any other person to qualify as executor or administrator.

§ 2647. Appraisement of estate of decedent; to be signed and returned to commissioner of accounts; to be recorded by clerk, and date of its return entered by commissioner; its effect as evidence; pay of appraisers.—Every court or clerk by whose order any person is authorized to act as a personal representative shall, unless where a testator directs his estate not to be appraised, or, though he so directs, if the court or clerk deems it proper, appoint three or more appraisers in every county or corporation in which there may be any goods or chattels of the deceased, or in case of a will in which there may be any real estate which the personal representative is authorized to sell, or of which he is authorized to receive the rents and profits. After taking an oath for the purpose, they shall appraise such goods or chattels as may be produced to them, and also the said real estate. The appraisers shall receive each, for their attendance, one dollar per day; the appraisement shall be signed by them and returned to the commissioner of accounts of such court, who shall inspect the same, see that it is in proper form, and within ten days after it is received and approved by him deliver it to the clerk of such court; and the said clerk shall record the same, with the certificate of approval. The date of return of an appraisement shall be entered by the said commissioner in his record book. Every such appraisement shall be prima facie evidence of the value of the estate embraced therein, and that it came to the hands of the personal representative.

2. This act shall be in force from its passage.

CHAP. 379.—An ACT to amend and re-enact section 2357 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-three hundred and fifty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2357. How owner may correct mistakes and obtain inclusive grant.— If any person wishes to rectify mistakes or uncertainty in the courses or description of the bounds of his lands, or holds two or more tracts adjoining each other, or owns any locations adjoining such tracts, or any of them, and desires to include them in one grant, he may, in either case, having previously posted a notice of his intention and the time of the application at the front door of the courthouse of the county in which the land lies, on the first day of two successive circuit courts, and having also given notice to the owners of the adjoining lands, present a petition to the circuit court of the county aforesaid reciting the nature of the case and stating his application.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 380.—An ACT to amend and re-enact section 2505 of the Code of Virginia, as amended and re-enacted by an act approved March 3, 1890, and by an act approved March 25, 1902, in relation to the indexing of deeds and other writings admitted to record by the clerks of the courts of the Commonwealth.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and five of the Code of Virginia, as amended and re-enacted by an act approved March third, eighteen hundred and ninety, and by an act approved March twenty-fifth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 2505. Every writing so admitted to record shall, with all certificates, plats, schedules, and other papers thereto annexed, or thereon endorsed, be recorded by or under the direction of the clerk, in a well-bound book, to be carefully preserved. More than one book may be used contemporaneously for the recordation of such writings under the direction of the clerk whenever it may be necessary to use more than one book in order to the proper conduct of the business in his office. And there shall be an index to each of said books as well in the name of the grantee as of the grantor. And where conveyed by a trustee, commissioner or person other than the owner, shall be indexed in the name of the last preceding owner, as well as in the names of the persons conveying. And the clerk, on receipt of such writing for recordation, shall forthwith index the same in a separate book, to be known as "daily index of receipt of deeds for recordation." After being so recorded such writing may be delivered to the party entitled to claim under the same. If any clerk fail to comply with the provisions of this section he shall for every such failure forfeit the sum of twenty dollars.

2. This act shall be in force from its passage.

CHAP. 381.—An ACT to amend and re-enact sections 2999, 3000, and 3004 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-nine hundred and ninety-nine, three thousand, and three thousand and four of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 2999. How claim of third party tried to property distrained or levied on.—When property, of the value of more than twenty dollars, is taken under a warrant of distress, or under an execution issued by a justice, or when property of any value is taken under an execution issued by the clerk of a court, and any person, other than the party against whom the process issued, claims such property, or the proceeds or value thereof, the circuit court of the county, or the circuit or corporation court of the corporation, in which the property is taken, or the judge of such circuit or corporation court in vacation, upon the application of the officer, where no indemnifying bond has been given, or, if one has been given, on the application of the person who claims such property and has given such suspending bond as is hereinafter mentioned, may cause to appear before such court as well the party issuing such process as the party making such claim, and such court may exercise, for the decision of their rights, all or any of the powers and authority prescribed in the preceding section.

§ 3000. Power of court in cases under the two preceding sections.—Such court, on the application of the party issuing said process, may cause to appear before it the party making such claim, and may exercise the like powers and authority. In such case as is mentioned in this or the preceding section, the court, where no bond is given for the forthcoming of the property, or, the judge thereof in vacation may, before a decision of the rights, make an order for the sale of the property, or any part thereof, on such terms as the court or judge may deem advisable, and for the proper application of the proceeds according to the said rights. In any case before mentioned in this chapter, the court or judge may make all such rules and orders, and enter such judgment as to costs and all other matters as may be just and proper.

§ 3004. How forthcoming bond taken of claimant of property the sale whereof has been suspended; sale of property if expensive to keep or perishable.—The sheriff or other officer levying a writ of fieri facias or distress warrant on property, the sale of which is suspended under this chapter, at the instance of a claimant thereof, may, if such claimant desire the property to remain in such possession as it was immediately before the levy, and if the case be one in which a bond for the forthcoming of the property is not prohibited from being taken from the debtor by section thirty-six hundred and twenty-three, take from the claimant a bond, with sufficient surety, in a penalty equal to double the value of the property, payable to the creditor, with such recital as is required in a forthcoming bond taken from the debtor, and with condition that the property shall be forthcoming at such day and place of sale as may be thereafter lawfully appointed; whereupon such property may be per-

mitted to remain, at the risk of such claimant, in such possession as it was immediately before the levy; and sections thirty-six hundred and nineteen, thirty-six hundred and twenty, thirty-six hundred and twenty-two, thirty-six hundred and twenty-three, and thirty-six hundred and twenty-four shall apply to such forthcoming bond in like manner as to a forthcoming bond taken from the debtor. But notwithstanding such forthcoming bond be given, if such property be expensive to keep or perishable, the court in which proceedings in the case under sections twenty-nine hundred and ninety-nine and three thousand are pending or may be had, or, the judge thereof in vacation, may, before a decision of the rights of the parties under such proceedings, on the application of such claimant or of the surety in such suspending or forthcoming bond, after reasonable notice of the intended application has been given by such claimant or the surety to the other parties in the case, order a sale of the property, or any part thereof, on such terms as the court or judge may deem advisable; and the court shall apply the proceeds according to the said rights when determined.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 382.—An ACT to amend and re-enact section 2463 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and sixty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2463. Contracts in consideration of marriage, or for the sale of real estate, and so forth, void as to creditors and purchasers unless in writing.—Every contract, not in writing, made, in respect to real estate or goods and chattels, in consideration of marriage, or made for the conveyance or sale of real estate, or a term therein of more than five years, shall be void, both at law and in equity, as to purchasers for valuable consideration without notice and creditors.

2. This act shall be in force from its passage.

CHAP. 383.—An ACT to amend and re-enact sections 791, 793, 796, 799, 801, 804, and 810 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections seven hundred and ninety-one, seven hundred and ninety-three, seven hundred and ninety-six, seven hundred and ninety-nine, eight hundred

and one, eight hundred and four, and eight hundred and ten of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 791. When notice, with proof of posting, to be produced to clerk.—At least fifteen days before the election, there shall be produced to the clerk of the circuit court of every such county, a copy of the notice, with an affidavit that the same had been so posted in each of the counties from which the new county is proposed to be formed, which affidavit shall be signed by the affiant and attested by a justice.

§ 793. Who entitled to vote; when another election not to be held, and so forth.—Any male citizen of the Commonwealth, twenty-one years of age, residing within any of the counties from which the new county is proposed to be formed, qualified to vote in the county of his residence for members of the general assembly, may vote in the county in which he resides, at any poll so opened; and the names of such of the voters as reside within the metes and bounds of the proposed new county shall be distinguished from the rest. Whenever the canvass of the polls taken at any such election shows the aggregate vote to be in the ratio of three against one for the new county, no other vote shall be taken in said county or counties for the same purpose for a period of six years from the date of the last vote so taken.

§ 796. Survey of boundary lines of new county; where reported and recorded; its effect as evidence; pay of surveyors.—The boundary lines designated in the act creating any new county shall be run and marked by the surveyor thereof and the surveyors of the counties out of which the same may be formed. They shall make a report to the court of each of the said counties, and also to the secretary of the Commonwealth, of their proceedings, accompanied by a plat showing the courses and distances, and the streams and other natural or artificial objects or points referred to in the act, which report and plat shall be recorded in the office of each of the said courts, and shall be conclusive evidence of the true boundary lines. Each of said counties, whose surveyor may act, shall allow him compensation therefor, which shall be chargeable on said county.

§ 799. What to be done with cases pending in courts of old counties.—The courts first mentioned in the preceding section may, after the time of holding a court for the new county, continue to exercise jurisdiction over all cases depending in the said courts at that time; or the court wherein any case is so depending, of which a court of the new county would have had jurisdiction if brought after the said time, may remove such case to the circuit court of the new county.

§ 801. Disputed boundary lines between counties; how settled.—Whenever a doubt shall exist or dispute arise as to the true boundary line between any two counties in this State, it shall be lawful for the circuit courts of the respective counties whose boundary is thus in doubt or dispute to appoint not less than three nor more than five commissioners in each county, who shall be resident freeholders of their respective counties (a majority of those appointed for each county being necessary to act), to ascertain and establish the true line. But the said commissioners, before proceeding to ascertain such boundary, shall employ a competent surveyor and chain-

carriers to run the same, and, with the best evidence which they can procure, direct their surveyor to run and mark the same. It shall thereupon be the duty of the said surveyor to make two plats of the course or courses and distances of the said line, and to note particularly such places of notoriety or objects of prominence through or by which it passes, as in the opinion of a majority of the commissioners will best designate the line. And said surveyor shall deliver the said plats to the commissioners, who shall return them to the courts by which they were appointed, there to be recorded; and in all controversies thereafter touching said line the said plats shall be taken as conclusive evidence. The circuit court of each county shall make a reasonable compensation to the commissioners of such counties respectively, and to the surveyor and chain-carriers, to be paid out of the county levies of the counties respectively.

§ 804. Rearrangement of districts.—Upon the petition of fifty qualified voters of a county asking for a rearrangement of all the magisterial districts in said county, or for an increase or diminution in the number thereof, or upon the petition of the like number of qualified voters in the district, or districts, to be affected by the proposed change, asking for a rearrangement of two or more contiguous magisterial districts in a county, the circuit court of such county may, for good cause shown, enter an order for the rearrangement of all the districts therein, or for an increase or diminution in the number thereof, in the one case, or for the rearrangement of two or more contiguous districts, in the other case: provided, there shall not be in any one county less than three nor more than eleven magisterial districts; but no such order shall be made unless a copy of the petition shall have been previously posted thirty days at the courthouse of such county, and at each voting place in any magisterial district, or districts, to be affected by the proposed change.

§ 810.—Pay of commissioner, surveyor and clerk; of other expenses.—The commissioners and surveyor employed under section eight hundred and seven shall each be allowed the sum of three dollars a day for the time necessarily employed in the discharge of his duties, together with all the necessary expenses incurred by him, to be paid by the county and levied for upon certificates of the circuit court; and the clerk of the court shall, for the duties required of him under this chapter, be allowed the same fees as are allowed for recording deeds.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 384.—An ACT to amend and re-enact section 3139 as amended by an act of the general assembly, entitled “an act to amend and re-enact section 3139 of the Code of 1887, in reference to who liable to serve as jurors,” approved July 28, 1902, and by an act approved May 5, 1903; section 3140, as amended by an act entitled “an act to amend and re-enact section 3140 of the Code of Virginia, in relation to exemption from jury duty,” approved March 4, 1892, and by an act approved February 20, 1894; section 3142, as amended by an act entitled “an act to amend and re-enact section 3142 of the Code of Virginia, in relation to judges of county and corporation courts to prepare annual lists of jurors,” approved March 6, 1900; section 3143, section 3144, as amended by an act entitled “an act to amend and re-enact section 3144 of the Code of Virginia, in relation to names of jurors to be written on separate ballots, ballots to be filed and deposited in a secure box,” approved March 7, 1900; section 3145, section 3146, as amended by an act entitled “an act to amend and re-enact sections 3146 and 3147 of the Code of Virginia, in relation to jurors,” approved March 4, 1890, and by an act approved March 7, 1900; section 3147, as amended by an act entitled “an act to amend and re-enact sections 3146 and 3147 of the Code of Virginia, in relation to jurors,” approved March 4, 1890, and by an act approved March 7, 1900, sections 3166 and section 3167 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and thirty-nine, as amended by an act of the general assembly, entitled “an act to amend and re-enact section thirty-one hundred and thirty-nine of the Code of eighteen hundred and eighty-seven, in reference to who liable to serve as jurors,” approved July twenty-eighth, nineteen hundred and two, and by an act approved May fifth, nineteen hundred and three; section thirty-one hundred and forty, as amended by an act entitled “an act to amend and re-enact section thirty-one hundred and forty of the Code of Virginia, in relation to exemption from jury duty,” approved March fourth, eighteen hundred and ninety-two, and by an act approved February twentieth, eighteen hundred and ninety-four; section thirty-one hundred and forty-two, as amended by an act entitled “an act to amend and re-enact section thirty-one hundred and forty-two of the Code of Virginia, in relation to judges of county and corporation courts to prepare annual lists of jurors,” approved March sixth, nineteen hundred; section thirty-one hundred and forty-three, section thirty-one hundred and forty-four, as amended by an act entitled “an act to amend and re-enact section thirty-one hundred and forty-four of the Code of Virginia, in relation to names of jurors to be written on separate ballots, ballots to be filed and deposited in a secure box,” approved March seventh, nineteen hundred; section thirty-one hundred and forty-five, section thirty-one hundred and forty-six, as amended by an act entitled “an act to amend and re-enact sections thirty-one hundred and forty-six and thirty-one hundred and forty-seven of the Code of Virginia, in relation to jurors,” approved March fourth, eighteen hundred and ninety, and by an act approved March seventh, nineteen hundred; section thirty-one hundred and forty-seven, as amended by an act entitled “an act to amend and re-enact sections thirty-one hundred and forty-six and thirty-one hundred and forty-seven of the Code of Virginia, in relation to jurors,” approved March fourth, eighteen hundred and ninety, and by an act approved March seventh, nineteen hundred; sections thirty-one hundred and sixty-six and thirty-one hundred and sixty-

seven of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 3139. Who liable to serve as jurors.—All male citizens over twenty-one years of age who shall have been residents of this State two years, and of the county, city, or town in which they reside one year next preceding their being summoned to serve as such, and competent in other respects, except as hereinafter provided, shall remain and be liable to serve as jurors: provided, that no officer, soldier, seaman, or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed herein, nor shall an inmate of any charitable institution be qualified to serve as juror: provided, also, that the following persons shall be disqualified from serving as jurors:

First, Idiots and lunatics;

Second, Persons convicted of bribery, perjury, embezzlement of public funds, treason, felony, or petit lacyeny:

Provided, also, that no male citizen over sixty years of age shall be compelled to serve as a juror.

§ 3140. Who are exempt.—The governor and lieutenant-governor of the State; practicing attorneys; licensed practicing physicians; registered pharmacists, where at any pharmacy only one such pharmacist is employed: officers of any court; telegraph operators actually employed as such; all pilots licensed under the laws of the United States or of this State; active members of the fire department of a city or town, and the active officers and active members of any fire company therein, not exceeding one hundred members in any one company; the Vice-President of the United States: the members of both houses of congress and their respective officers, but only while such houses of congress are actually in session; all custom-house officers, with their clerks; all postmasters, postofficers, post-riders, and stage-drivers, and all other persons employed in the care and conveyance of the mails of the United States; all mariners actually employed in the service of any citizen or merchant within the United States; the secretary of the Commonwealth; the attorney-general; the treasurer; the two auditors; register of the land office; members, officers, and clerks of the State corporation commission, the commissioner of agriculture and superintendent of public instruction, and their respective clerks; the doorkeeper of the executive; the clerks of both houses of the general assembly; the judge of any court; all professors, tutors, and pupils of public seminaries, while such public seminaries are actually in session; all ministers of the gospel licensed to preach according to the rules of their sect; keepers of the county and corporation jails; superintendents and servants of the public hospitals and lunatic asylums; superintendent of the penitentiary, his assistants, and the persons composing the guard; one cashier and two tellers of the several banks established by law; the police in cities and towns; the tipstaff and crier of the court of appeals during its sitting; all millers actually employed in the mechanical operation of any grist mill; all ferrymen necessarily and personally employed in or at any ferry established by law; the six lock-keepers of the Dismal Swamp Canal Company; and the active non-commissioned officers and the active members of the Virginia volunteers, together with the contributing members of said volunteer companies, who have contributed not

less than twenty-five dollars per annum, shall be exempt from serving on juries in civil and criminal cases; and the citizens of Tangier, Syxas, and Chincoteague islands, in the county of Accomac, and Hogg's and Cobb's islands, in the county of Northampton, shall be exempt from jury service, except service on grand juries. But to entitle the active officers and active members of the Virginia volunteers, as well as such contributing members of said volunteer companies, or the active officers and members of a fire department, not exceeding one hundred members for any one company, to this exemption, the captain or chief officer of any company of the Virginia volunteers, or of such department, shall annually, on the first day of May, furnish to the clerk of the circuit court of the county or corporation court of the corporation wherein such company or department is, a list containing the name of each active officer and active member of his company of Virginia volunteers, or the name of each active officer and active member of his department, and, where there are contributing members to his company, the name of each contributing member who has for the preceding year contributed not less than twenty-five dollars shall be likewise furnished.

§ 3142. Judges of circuit and corporation courts to prepare annual lists of jurors.—The judge of the circuit court of each county and the judge of the circuit court of each city of the first class, and the judge of each city court shall annually, between the first day of January and the first day of July, prepare a list of such inhabitants in each county or corporation where their respective courts are to be held, as are not excluded or exempt by section thirty-one hundred and forty, as are well qualified to serve as jurors. Such list shall contain one for every one hundred inhabitants of each magisterial district or ward, having regard to the population of the county or corporation, but the whole number of persons selected in the county or corporation shall not be less than one hundred nor more than three hundred, except in the courts for the cities of Richmond and Norfolk the number shall not exceed six hundred.

§ 3143. Lists to be delivered to clerks, and by them safely kept.—The list so prepared shall be delivered to the clerk of the court, to be safely kept by him, subject only to the inspection of the judge, as hereinafter provided; and to such list the judge may, from time to time, add the names of any persons liable to serve, and strike therefrom the names of any who have become disqualified or exempt from such service: provided, that the number on the list shall not at any time exceed three hundred, except in the cities of Richmond and Norfolk, and in said cities shall not exceed six hundred.

§ 3144. Names of jurors to be written on separate ballots; ballots to be folded and deposited with list in a box.—When such list is made out, the judge shall cause all the names thereon to be fairly written, each on a separate paper or ballot, and shall so fold or roll up the ballots that they will resemble each other as nearly as may be, and the names written thereon not be visible on the outside, and shall deposit the ballots with the said list in a secure box prepared for that purpose, and the said box shall be locked and safely kept by the clerk of such court and opened only by order of the judge thereof, as hereinafter provided.

§ 3145. Jurors to be selected by drawing ballots from box.—All jurors

required for the trial of civil cases in any circuit or city court shall be selected by drawing ballots from the said box in the manner prescribed in this chapter: and the persons whose names are written on the ballots so drawn shall be returned to serve as jurors; the said jurors for the county to be paid out of the county levy, and those for the corporation to be paid by the council out of the revenues of the city. The sheriff of any county in which is situated a city of the second class may summon the inhabitants of the said county in any part of the said city to serve as jurors for the said county.

§ 3146. When and how ballots drawn, and what number; when venire facias issued and persons drawn summoned; return by officer; when ballot drawn to be returned to box or destroyed and another juror drawn.—The clerk of any such court shall, at least ten days before any term of a court at which a jury may be necessary, to be designated by the judge thereof, proceed to draw the jury by lot, from the ballots deposited in said box, in the following manner, in the presence of the judge of such court, if present; if not, then in the presence of the Commonwealth's attorney or a commissioner in chancery of the circuit court of the county or corporation or other court of the corporation, who shall be present, the said commissioner in chancery to be designated by the judge of such court by an order entered of record: provided, that in corporations where there is no circuit court, the judge of the corporation court shall designate said commissioner in chancery as above provided, except that in the city of Richmond the judge of each court established therein shall designate some commissioner in chancery, who shall perform the duties herein prescribed for his court, and the judge of the law and chancery court for the city of Norfolk shall designate such commissioner for his court. In the event of the absence, for good cause, of the Commonwealth's attorney, or the said commissioner in chancery, or both of them, the clerk shall call upon one or two citizens, as the case may be, to witness the drawing of the ballots from the jury box. The clerk of each court shall give reasonable notice, in writing, to the Commonwealth's attorney and said commissioner in chancery of the time and place of drawing the jury, and shall openly draw from said jury box in the clerk's office. After shaking and mixing together the ballots in said box, seven ballots (without inspecting the names written on any until the proper number is drawn) shall be drawn and listed by the clerk, and he shall forthwith issue and deliver a writ of venire facias to the proper officer of the county or corporation requiring him to summon the persons thus drawn, whose names shall be stated in the writ, together with the day of the term and the court at which their attendance is required; and it shall be the duty of the officer, at least three days before the time of such attendance, to summon each person who is drawn to attend the court at the time and place mentioned in the writ, and to make due return thereof at the opening of such court. If any person whose name is so drawn is unable, by reason of sickness, absence from home, or other cause, to attend as a juror, his name shall be returned to the box, or if he is exempt by law or his name has been stricken from the jury list, the ballot shall be destroyed, and another juror shall be drawn in his stead.

§ 3147. When and how court or judge may order greater number of

jurors; duty of clerk in such case; issue of *venire facias*.—Whenever, in the opinion of any such court, or the judge thereof in vacation, a greater number of jurors than seven is necessary for the dispatch of the business of such court, such opinion shall be entered of record, together with the number of jurors deemed necessary, and upon such order it shall be the duty of the clerk of said court to notify the Commonwealth's attorney and the said commissioner in chancery, as provided by law, and draw from the jury box of his court the number of names designated by the court or judge, as the case may be, and the clerk of said court shall issue a *venire facias* accordingly.

§ 3166. Waiver of trial by jury; number of jurors for trial of civil cases.—In any case, unless one of the parties demand that the case be tried by a jury, the whole matter of law and of fact may be heard and determined, and judgment given by the court. In civil cases the jury shall consist of five persons in cases now cognizable by justices of the peace, and of seven in cases not so cognizable. And in any case in which the consent of the plaintiff and defendant shall be entered of record it shall be lawful for the plaintiff to select one person, who is eligible as a juror, and for the defendant to select another, and for the two so selected to select a third of like qualifications, and the three so selected shall constitute a jury in the case. They shall take the oath required of jurors, and hear and determine the issue, and any two concurring shall render a verdict in like manner and with like effect as a jury of seven: provided, this section shall not be so construed as to effect in any way the empanelling of special juries as provided in section thirty-one hundred and fifty-eight.

§ 3167. Views by juries.—The jury may, in any case, civil or criminal, at the request of either party, be taken to view the premises or place in question, or any property, matter or thing, relating to the controversy between the parties, when it shall appear to the court that such view is necessary to a just decision: provided, that in a civil case the party making the motion shall advance a sum sufficient to defray the expenses of the jury, and the officers who attend them in taking the view, which expenses shall be afterwards taxed like other legal costs.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 385.—An ACT to amend and re-enact sections 718, 721, 723, 738, and 743, and to repeal sections 735 and 737 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections seven hundred and eighteen, seven hundred and twenty-one, seven hundred and twenty-three, seven hundred and thirty-eight, and seven hundred and forty-three, be amended and re-enacted so as to read as follows:

§ 718. Within thirty days after every trial the justice shall certify to the clerk of the circuit court of his county or corporation court of his

corporation the amount of every fine imposed by him, together with the costs, and whether the same has been paid. When he acquits the accused he shall certify the costs of the trial and to whom due; and if he rendered judgment against the prosecutor for costs, he shall so state. After such certificate has been made the State shall be liable to the officers thereto entitled for one-half only of their lawful fees remaining unpaid as shown by said certificate. If any justice fail to return such certificate within said time without good cause, he shall forfeit twenty dollars.

§ 721. Duty of attorneys for Commonwealth as to fines; to proceed against officer and his sureties; judgment.—At the terms of the circuit and corporation courts, held on or next succeeding the first day of January and July in each year, the attorney for the Commonwealth shall examine the book required to be kept by section seven hundred and nineteen, and whenever it appears that a writ of fieri facias or capias pro fine has been delivered to an officer for ninety days and has not been returned, or, if returned “satisfied,” it does not appear that the fine and costs have been paid to the clerk of the court, such attorney shall at once apply to the court for, and the court shall issue, a rule against the officer and the sureties on his official bond, returnable to the next term, to show cause against a judgment for the amount of the fine and costs; and upon the return of the rule executed, unless good cause be shown against it, the court shall render judgment against the officer and his sureties for a fine of ten dollars, and for the amount of the fine and costs imposed by the justice, and the costs of the rule, including a fee of two dollars and a half to the attorney for the Commonwealth, which shall be his only compensation. For every failure of an attorney for the Commonwealth to examine said books and make such application, he shall be fined ten dollars.

§ 723. Justices to pay fines to clerks.—If any fine is received by the justice imposing it, he shall pay the same, with the costs, within thirty days thereafter, to the clerk of the circuit court of his county or corporation. For a failure to make such payment within said time, without good cause, he shall forfeit twenty dollars, which, together with the money so received, may be recovered by motion.

§ 738. Relief from fines.—The governor shall have power, in his discretion, to remit, in whole or in part, fines and penalties, whether heretofore or hereafter imposed, in all cases of felony or misdemeanor, after conviction, except where judgment shall have been rendered against any person for contempt of court, for non-performance of or disobedience to some order, decree, or judgment of said court, or where the fine or penalty has been imposed by the State corporation commission, or where the prosecution has been carried on by the house of delegates: provided, in the opinion of the governor, the evidence accompanying such application warrants the granting of the relief asked for. But the provisions of sections seven hundred and thirty-nine, seven hundred and forty, seven hundred and forty-one, and seven hundred and forty-three of the Code of Virginia shall be complied with as a condition precedent to such action by the governor.

§ 743. Course of proceeding when relief asked of the governor.—Whenever application shall be made to the governor by or on behalf of

any person desiring to be relieved, in whole or in part, of any such fine or penalty, the petition, answer, certificate of facts, and opinion of the court provided for in sections seven hundred and thirty-nine, seven hundred and forty, and seven hundred and forty-one, duly authenticated by the clerk of said court, shall accompany the application, which shall be in writing. In all cases in which the governor shall remit a fine or penalty he shall issue his order to the clerk of the court by which such fine or penalty was imposed; or if such fine was imposed by a justice of the peace, to the clerk of the circuit court of the county or to the clerk of the corporation or hustings court of the city, in which said justice holds office, and said court shall, at its next term, or immediately, if then in session, cause such order to be spread upon the law order book of its court; and the clerk of such court shall immediately, upon the receipt of such order, mark the judgment for such fine or penalty, and costs, or so much thereof as the person may have been relieved of, "remitted by the governor," upon the judgment lien docket of the court of the county or city in which it may have been recorded. The governor shall communicate to the general assembly at each session the particulars of every case of fine or penalty remitted, with his reasons for remitting the same.

2. Be it further enacted, That sections seven hundred and thirty-five and seven hundred and thirty-seven of the Code of Virginia be, and the same are hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 386.—An ACT to amend and re-enact sections 3116, 3117, 3120, 3122, as amended by act approved February 29, 1892, and as further amended by act approved February 12, 1894, 3129, 3130, 3131, 3132, 3134, and 3135 of the Code of Virginia, and to repeal an act entitled "an act to prescribe what judges may practice law," approved March 2, 1888, and to repeal section 3109 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-one hundred and sixteen, thirty-one hundred and seventeen, thirty-one hundred and twenty, and thirty-one hundred and twenty-two, as amended by act approved February twenty-nine, eighteen hundred and ninety-two, and as further amended by act approved February twelfth, eighteen hundred and ninety-four, thirty-one hundred and twenty-nine, thirty-one hundred and thirty, thirty-one hundred and thirty-one, thirty-one hundred and thirty-two, thirty-one hundred and thirty-four, and thirty-one hundred and thirty-five, of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3116. Places of holding courts.—Every circuit or corporation court, for any county or corporation, shall be held at the courthouse of such county or corporation, except where some other place is prescribed by law, or lawfully appointed.

§ 3117. When and how changed.—Whenever, in the opinion of a circuit or corporation court, or the judge thereof, the courthouse or other

place wherein it is required to hold its session, cannot, or should not, from any cause, be occupied by it, or if the same shall be destroyed, the court may hold its session at such places as may be appointed by its order, or by the warrant of the judge thereof in vacation, directed to its clerk, until the courthouse or its lawful place of session, can or should be thereafter occupied, or until another shall be built and fitted for its occupation, or until some other place be appointed by the court.

§ 3120. Court must be held in its county or corporation.—No such place of session, for a circuit or corporation court, shall be without the limits of the county or corporation of which it is the court. And when such place is appointed because of the destruction of the building in which the court of appeals or special court of appeals was held, the new place of session shall be within the same city or town with the old.

§ 3122. Though a court be not held on the first day of a term, it may, nevertheless, be opened on any subsequent day, if, in the case of a circuit or corporation court, the same be done before four o'clock in the afternoon of the third day. After a court is opened it shall, during the term, adjourn from day to day, and not otherwise; and if it fail to sit on any day to which it is adjourned, it may, nevertheless, sit on any subsequent day of the term: provided, in the case of a circuit or corporation court, there be not more than three consecutive days of such failure; but a circuit court, after having been in session for six days, may take a recess for a period not exceeding twenty days; and a corporation court, after having been in session for ten days, may take a recess for a period not exceeding six days.

§ 3129. Judges not permitted to practice law; exceptions.—No one holding the office of judge in this State shall practice law therein during his continuance in office; except that it shall be lawful for a judge of a corporation or hustings court, whose salary does not exceed one thousand six hundred dollars, during the period for which his term is continued by section seven of the schedule of the Constitution, to appear as attorney at law in any case not pending in his court or which cannot be carried into the same or has not been taken therefrom by appeal or otherwise.

§ 3130. Judges may not hold any other office.—No person holding the office of judge shall hold any other office or public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

§ 3131. When lawyers may try cases; how their judgments, and so forth, entered; their powers during trial.—When a judge holding a circuit or corporation court is so situated as to render it improper, in his judgment, for him to decide or preside at the trial of any civil cause pending therein, the parties to such cause, plaintiff and defendant, may with the consent of such judge, entered of record in his court, select a member of the bar practicing therein, who shall proceed to try such cause as the judge would were he sitting; and the judgment or decree rendered in said cause shall be entered on the record of said court by its judge as the judgment thereof; and the person so selected to try or pre-

side at the trial of said cause shall have power to enforce order and compel obedience during the trial of such cause by him, as the judge of said court would have were he sitting.

§ 3132. Removal of judge from circuit, and so forth, vacates his office.—The removal of any judge from the circuit or jurisdiction of the corporation for which he was elected shall vacate his office.

§ 3134. Courts to have land books bound.—It shall be the duty of the several circuit and corporation courts to cause to be bound, in volumes of convenient size, all books in their respective clerks' offices, not now bound, showing the assessments of lands since the year eighteen hundred and fifty, and to cause to be bound in like volumes such books to be hereafter filed in their said clerks' offices at intervals of not more than five years.

§ 3135. Books, and so forth, in clerks' offices, and offices of county surveyors, may be rebound or transcribed; the credit to be given to transcripts.—Any court of record may cause any of the books or records in its clerk's office, which may be in need thereof, to be rebound or transcribed; and the court of any county may also order any of the books or records in the office of the surveyor of such county to be rebound or transcribed. The same faith and credit shall be given to such transcript as the book or record transcribed would have been entitled to.

2. Be it further enacted by the general assembly of Virginia, That an act entitled "an act to prescribe what judges may practice law," approved March second, eighteen hundred and eighty-eight, be, and the same is hereby, repealed, and that section thirty-one hundred and nine of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 387.—An ACT to amend and re-enact sections 875, 882, and 883 of the Code of Virginia as heretofore amended.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and seventy-five and eight hundred and eighty-two and eight hundred and eighty-three of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 875. Salary of superintendents.—The board of supervisors shall allow the superintendent of the poor a reasonable compensation for his services, not to exceed, however, two hundred and forty dollars in a county containing less than ten thousand inhabitants, nor to exceed three hundred dollars in a county containing more than ten thousand and less than twenty thousand inhabitants, and in no case to exceed four hundred dollars.

§ 882. Pay of overseers.—The pay and allowances to overseers shall be two dollars per day while actually engaged, and not to exceed twenty dollars for each overseer for one year, to be paid out of the county levy.

§ 883. Conservator of peace for poorhouse.—The circuit court of any

county in which any poorhouse is located may, upon the application of the superintendent of the poor, or satisfactory evidence, founded on the information of others, that it is necessary, appoint some discreet citizen conservator of the peace, whose jurisdiction shall extend over the grounds attached to such poorhouse, and not exceeding one mile beyond the same, as shall be prescribed by the order appointing said conservator.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 388.—An ACT to amend and re-enact chapter 23 of the Code of Virginia, in relation to the assessment of lands and lots.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter twenty-three of the Code of Virginia, in relation to the assessment of lands and lots, and their subsequent assessment, be amended and re-enacted so as to read as follows:

CHAPTER XXIII.

§ 437. When and how assessors appointed to assess lands and lots.—It shall be the duty of the several circuit courts of the several counties and corporation or hustings courts of the several cities of this State on or before the first day of January, in the year nineteen hundred and five, and every fifth year thereafter, to appoint proper persons to assess the value of all lands and lots, together with the improvements thereon, within their respective counties and corporations: provided, that there shall be but one assessor for each corporation, except the city of Richmond, where there shall be three; and except further, that all cities having a population of fifteen thousand may have two assessors, and for each county as many as there are commissioners of the revenue for the same. And every person appointed assessor shall be a resident of the county or corporation and district for which he is appointed. In those counties in which two or more assessors are to be appointed, the court shall appoint one for each district in which there is a commissioner of the revenue, and if at any time the court shall be satisfied that any assessor appointed under this act will not, or that from any cause he cannot, perform the duties devolved on him within the time prescribed, the court may wholly supersede him and appoint another in his place, or appoint one or more assistants to aid him in his duties, as shall be deemed most expedient; but before any person thus appointed shall enter upon the duties of his office he shall take the oath prescribed by the Constitution and execute the bond prescribed by section four hundred and thirty-eight. But this section shall not apply to the assessment of railway and canal corporations, nor of coal and other mineral lands, the assessment of which is otherwise provided for by law.

§ 437 a. The several commissioners of the revenue in this State shall, on or before the first day of August, nineteen hundred and three, and

every second year thereafter on or before the fifteenth day of May, specially and separately assess at the fair market value all mineral lands, and the improvements, fixtures, and machinery thereon, within their respective districts, and shall enter the same on the land books of their respective districts separately from other lands charged thereon, and shall extend the taxes upon said lands, improvements, fixtures, and machinery, assessed as aforesaid, at the rate fixed by law upon tangible property.

The commissioner, in assessing mineral lands, shall set forth upon the land book the area and the fair market value thereof, first, of such portion of each tract as is improved and under development; second, the fair market value of the improvements, fixtures, and machinery upon each tract; and, third, the area and the fair market value of such portion of each tract as shall not be under development. If the surface of the land is held by one person, and the coal, iron, other minerals, mineral waters, gas or oils under the surface be held by another person, the estate therein of each, and the relative fair market value of their respective interests shall be ascertained by the commissioner. If the surface of the land and the coal, iron, other minerals, mineral water, gas or oils under the surface be owned by the same person, the commissioner shall ascertain the fair market value of the land, exclusive of the coal, iron, other minerals, mineral waters, gas or oils, and also the fair market value of the coal, iron, other minerals, mineral waters, gas or oils, and shall assess both at such ascertained values, stating separately, however, in every case the value of the surface of the land and the value of the minerals, mineral waters, gas or oils under the surface.

The several commissioners shall, on or before the first day of August, in the year nineteen hundred and three, and on or before the fifteenth day of May, in every second year thereafter, certify a copy of such assessment made in their respective districts of mineral lands, or mineral rights, as aforesaid, to the State corporation commission, with the name and postoffice address of each person, firm, or corporation in whose name any such lands or interests therein shall have been assessed upon the land book of his district, with the amount of tax extended thereon. Upon receiving the report of such commissioner the State corporation commission shall examine into the justice of any such assessment, and if it shall appear to the commission that any tract of land, or any part thereof, or the improvements, fixtures, or machinery thereon, or any right or interest in the same, or any part thereof, has not been assessed at its fair market value, the said commission shall direct the attorney for the Commonwealth for the county or corporation wherein such land or interest therein so assessed is situated, or any other special attorney it may designate, to apply, in the name of the Commonwealth, to the circuit court of the said county or corporation court of said city, to have said assessment corrected, which court shall have jurisdiction for the purpose. Any person feeling himself aggrieved by the assessment of his lands or interests therein hereunder may, at any time prior to the first day of February next succeeding, apply to the circuit court of the county or corporation court of the city in which the land lies, to have said assessment corrected. Said application may be made either by motion in open court or by filing a petition in the clerk's office of said circuit court, setting forth the lands

or mineral rights on which the assessment complained of is made, praying that said assessment made be corrected; and the said court at its next term after the filing of said petition shall hear the said cause and enter such judgment as to it shall seem proper. The Commonwealth's attorney and the commissioner of revenue who made the assessment shall be made defendants to said petition or motion, and notice upon them shall be served at least five days before the cause is heard. Continuances of the hearing of said motions or petitions may be granted for good cause. The proceedings upon any such application shall conform to section four hundred and forty-four of the Code of Virginia, and all amendments thereof, except so far as in conflict herewith: provided, that the Commonwealth and the person whose property is assessed shall have the right of appeal from the decision of said circuit or corporation court to the supreme court of appeals. The said State corporation commission, for the purpose of this act, may make, or cause to be made, such examination of the said lands or improvements, fixtures, and machinery thereon, as it may deem necessary, and may summon and compel the attendance of witnesses, and call for such information and require the production of such books and papers as it may deem necessary in the premises.

§ 438. Bond and oath of assessor.—Each assessor before entering upon the duties of his office shall, before the circuit or corporation court of his county or corporation, or judge thereof in vacation, execute a bond, with surety, in the penalty of five thousand dollars, with condition for the faithful discharge of the duties of his office according to law; and if said qualification be in vacation, the certificate thereof and the oath shall be returned to the clerk of the circuit or corporation court, who shall record such certificate and the fact of taking the oath in the minutes of the next term.

§ 439. Register of land office to forward list of grants to clerks, to be delivered to assessors along with the land book and list of conveyances: compensation to clerks.—The register of the land office shall, before the fifteenth day of January of the year in which an assessment is to be made, forward to the clerk of each circuit and corporation court a list of all grants of lands within his county and corporation issued during the year next preceding such assessment; and it shall be the duty of the clerk, without unnecessary delay, to deliver to the assessor of such county or corporation the said lists of grants, with a copy of the land book for his county or corporation last returned, and a list of the conveyances recorded since the said book was made out. In any county or corporation in which there shall be more assessors than one, the clerk shall furnish to each of them a copy of the lists of grants and of the land book, and also a list of conveyances as aforesaid for the district for which he is appointed. For the services aforesaid the clerk shall receive such compensation as the circuit court of his county or corporation court of his city may think proper to allow, which shall be embraced in and paid out of the first county or corporation levy made after the services shall have been rendered. And any clerk who shall fail to perform any duty hereby enjoined upon him shall be fined not exceeding one hundred dollars.

§ 440. Auditor to prepare forms and instructions to assessors.—It shall be the duty of the auditor of public accounts, before the first day of

January, nineteen hundred and five, and every fifth year thereafter, to prepare proper forms of returns, so arranged as to show the lands and lots assessable by them in the district of each commissioner of the revenue separately, with blank to be filled up by the assessors, and cause the same, with the proper instructions, to be printed, and forward a sufficient number of copies for the use of the assessors to the clerks of the circuit and corporation courts.

§ 441. Duties of assessors.—The assessors shall, immediately after their appointment, proceed to examine all the lands and lots, assessable by them, with the improvements thereon, within their respective counties, districts, and corporations, and shall, upon examination, ascertain and assess the fair market value thereof, and at the same time shall note whether the owner is white or colored.

§ 442. To meet for consultation.—In any county or city in which there is more than one assessor, such assessors, prior to the completion of their labors, shall assemble at least once in each district, for the purpose of consultation, with a view of equalizing, as far as practicable, the assessment of lands in their respective counties, districts, and corporations.

§ 443. To make copies of assessment; disposition of copies.—As soon as the assessors shall have completed the assessments in their respective counties, districts, and corporations, they shall make three copies thereof, in the form in which the land books are now made out, and shall certify on oath that no lots or lands, assessable by them, are omitted, and that there are no errors on its face; and one copy shall be preserved and filed in the clerk's office of the circuit court of the county or corporation court of the city wherein the lot or land is located, another copy transmitted to the auditor of public accounts, and another copy shall be delivered to the commissioner of the revenue of the county, district, or corporation on or before the first day of June, in the year in which the assessment is made; but for good cause shown, the judges of the circuit or corporation courts, respectively, may extend the time of making the returns of said assessment to the first day of July next succeeding. Each assessor who shall fail to comply with any requirement of this section shall forfeit all right to compensation for his services.

§ 444. How and when erroneous assessment of lands corrected.—Any person feeling himself aggrieved by the assessment of his lands or lots may, upon giving notice to the assessor and to the attorney for the Commonwealth, apply to the circuit court of the county or corporation court of the corporation in which the land lies, at any time prior to the first day of February of the year next succeeding such assessment, and not after, to have the assessment of his lands or lots corrected, which notice shall be in writing, and shall have appended thereto an affidavit of the owner, or his duly authorized agent, that in the opinion of the affiant the assessment of his lands or lots is above the true value thereof. The attorney for the Commonwealth shall defend the application, and if the court shall be satisfied that the assessment is too high, it shall reduce the same to what, in its opinion, is the true value of such lands or lots; but if it shall be of opinion that the assessment is too low, then it shall increase it in like manner; and such application shall have precedence

over all other causes pending in said court, but no cost shall be taxed against the applicant or the Commonwealth.

§ 445. Clerks to certify to auditor and assessors all changes made by their courts in assessments.—It shall be the duty of the clerk of each circuit or corporation court to certify to the auditor of public accounts all changes made by said circuit or corporation court of his county or corporation, in order that the books of assessment on file in the office of the auditor may be made to conform to the changes directed by the court; and it shall be the duty of the clerks aforesaid to certify in like manner to the proper assessor the changes made by the court, that he may correct the books on file with the clerk so as to conform to the said orders.

§ 446. Compensation of assessors.—Each assessor and assistant assessors shall receive the sum of two dollars for each day he shall be necessarily employed in the execution of the duties of his office. The accounts shall be made out and verified by affidavit before the clerk of the circuit or corporation court, in which it shall be stated that the time for which said per diem is claimed was necessarily employed, and when said accounts shall be so made out and verified they shall be paid out of any money in the treasury not otherwise appropriated.

§ 447. Taxes to be extended on basis of assessment.—Taxes on lands for each year shall be extended on the basis of the last assessment made prior to such year under the provision of section four hundred and thirty-seven of this chapter: provided, however, that until the year nineteen hundred and six, taxes on lands other than mineral lands, and lands of railway or canal corporations, shall be extended on the basis of assessments made in the year nineteen hundred: and provided further, that taxes on mineral lands and mineral interests shall be extended on the basis of assessment provided for in section four hundred and thirty-seven of this chapter.

2. All acts and parts of acts in conflict with this act, or any part thereof, are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 389.—An ACT to amend and re-enact section 4106 of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact section 4106 of the Code of Virginia, touching the jurisdiction of police justices and justices of the peace as to the trial of offenders in certain cases," approved February 23, 1894, as amended by an act approved March 6, 1896, and by an act approved February 9, 1898, and by an act approved March 5, 1900, and section 4107, Code of Virginia, as amended by an act entitled "an act to amend and re-enact section 4107 of the Code of Virginia, in relation to the right of appeal to court from the judgment of police justices and justices of the peace in criminal cases, to provide for the disposition of the accused, unless let to bail; the issue of a new warrant, or the amendment of the original warrant by the county, corporation, or hustings court, and to fix the rule of procedure on these warrants, in the said county, corporation, or hustings court," approved February 9, 1898.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section

forty-one hundred and six of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact section forty-one hundred and six of the Code of Virginia, touching the jurisdiction of police justices and justices of the peace as to the trial of offenders in certain cases," approved February twenty-third, eighteen hundred and ninety-four, as amended by an act approved March sixth, eighteen hundred and ninety-six, and by an act approved February ninth, eighteen hundred and ninety-eight, and by an act approved March fifth, nineteen hundred, and section forty-one hundred and seven of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact section forty-one hundred and seven of the Code of Virginia, in relation to the right of appeal to court from the judgment of police justices and justices of the peace in criminal cases, to provide for the disposition of the accused, unless let to bail; the issue of a new warrant, or the amendment of the original warrant by the county, corporation, or hustings court, and to fix the rule of procedure on these warrants, in the said county, corporation, or hustings court," approved February ninth, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 4106. What criminal offenses police justices and justices of the peace may try.—The several police justices and justices of the peace, in addition to the jurisdiction exercised by them as conservators of the peace, shall have concurrent jurisdiction with the circuit courts of the counties and the corporation or hustings courts of the corporations of the State in all cases of violations of the revenue laws of the State, and of offenses arising under the provisions of chapter one hundred and eighty-seven of sections thirty-eight hundred and one, thirty-eight hundred and two, thirty-eight hundred and three, and thirty-eight hundred and four of the Code of Virginia; and except when it is otherwise specially provided, shall have exclusive original jurisdiction for the trial of all other misdemeanor cases occurring within their jurisdiction, in all which cases the punishment may be the same as the circuit courts of the counties and the corporation or hustings courts of the corporations are authorized to impose. But the grand juries hereafter sworn in the circuit courts of the counties and in the corporation or hustings courts of the corporations are hereby authorized and empowered to inquire into and bring to the attention of the court, by presentment or indictment, all such misdemeanors as were cognizable by such grand juries prior to March fifth, eighteen hundred and ninety-six, and in all cases of misdemeanor in which a presentment or indictment is found by a grand jury, and for the trial of which such justices have exclusive jurisdiction, a copy of such indictment or presentment, together with the names of the witnesses, upon whose testimony such indictment or presentment was made, shall be certified and delivered by the clerk of the court in which it is found to some justice of the district in which such offense was committed, said justice to be designated by the court in its order, and such justice shall forthwith deliver such copy of such indictment or presentment to the sheriff or some constable of his county, or sergeant or policeman of his corporation, which copy shall have the force and effect of a warrant of arrest, and the officer shall thereupon arrest the person or persons so indicted or presented and carry such person or persons before said justice for

trial, and shall summon the witnesses aforesaid to appear before said justice, and the same proceedings shall be had thereon as are had upon a warrant issued by a justice, and the Commonwealth's attorney for the county or corporation from whose court the said indictment was returned may, in his discretion, appear before the justice of the peace trying the case and represent the Commonwealth in the said trial; and if the case be prosecuted to judgment for the Commonwealth, the justice shall, in taxing the costs, include therein a fee of five dollars for the attorney for the Commonwealth, to be paid by the defendant, and execution and capias pro fine shall issue therefor as in the case of other costs. But nothing in this act shall be construed as allowing attorneys for the Commonwealth compensation for such services payable out of the State treasury, but all such fines shall be taxed and paid as hereinbefore provided; provided, that in any city in which there is a police justice the power and jurisdiction conferred by this section shall not be exercised by any other justice of such city, except when acting for and in the stead of the police justice, according to law. Each police justice and justice of the peace shall try, or procure some other justice to try, every indictment which is brought before him as herein provided.

§ 4107. Right of appeal to court in ten days; accused to be committed to jail unless let to bail; justice to return papers to clerk; circuit, corporation and hustings court to have the right to amend the warrant or issue a new warrant.—Any person convicted by a justice under the provisions of the preceding section shall have the right, at any time within ten days from such conviction, to appeal to the circuit court of the county or corporation or hustings court of the corporation, as the case may be. When an appeal is taken at the time the judgment is rendered, the accused shall, unless let to bail, be committed to jail by the justice until the next term of such court, and the witnesses recognized to appear at the same time. When an appeal is taken subsequent to the entry of the judgment of conviction, the justice shall enter the allowance of the appeal on the warrant, and he, or the circuit court of the county or corporation or hustings court of the corporation, or the judge thereof, as the case may be, may admit the accused to bail. The justice shall forthwith return and file papers with the clerk of the court, whether the appeal be applied for or not. Upon the trial of the warrant in the circuit court of the county or corporation or hustings court of the corporation, the court shall have authority upon its own motion, or upon the request either of the attorney for the Commonwealth, or for the accused, to amend the form of the warrant in any respect in which it appears to be defective. But when the warrant is so defective in form that it does not substantially appear from the same what is the offense with which the accused is charged, or even when it is not so seriously defective, the judge of the court having examined on oath the original complainant, if there be one, or if he sees good reason to believe that an offense has been committed, then without examination of witnesses may issue under his own hand his warrant, reciting the offense and requiring the defendant in the original warrant to be arrested and brought before him. Upon the arrest of the defendant on the new warrant and his production or appearance in court the trial shall proceed upon the new warrant. Where there is an amend-

nment of the original warrant the trial shall proceed on the amended warrant. But whether the warrant is amended or new warrant is issued, the court before proceeding to trial on the same may grant a continuance to the Commonwealth, or to the prisoner upon such terms as to costs as may be proper under the circumstances of the case.

Where a warrant is amended or a new warrant is issued the costs already accrued shall be taxed against the defendant, if he is ultimately convicted, as a part of the costs arising under the new or amended warrant. But the Commonwealth shall not be liable for the costs of the defendant.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 390.—An ACT to amend and re-enact section 3174, as amended by an act entitled “an act to amend and re-enact section 3174 of the Code of Virginia, in relation to clerks of courts,” approved January 14, 1892; sections 3175, 3176, and 3182; section 3184, as amended by an act entitled “an act to amend and re-enact section 3184 of the Code of Virginia of 1887, to provide for general index to deed books and other records,” approved February 29, 1892, and sections 3186 and 3187 of chapter 154 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and seventy-four, as amended by an act entitled “an act to amend and re-enact section thirty-one hundred and seventy-four of the Code of Virginia, in relation to clerks of courts,” approved January fourteenth, eighteen hundred and ninety-two; sections thirty-one hundred and seventy-five, thirty-one hundred and seventy-six, and thirty-one hundred and eighty-two; section thirty-one hundred and eighty-four, as amended by an act entitled “an act to amend and re-enact section thirty-one hundred and eighty-four of the Code of Virginia of eighteen hundred and eighty-seven, to provide for general index to deed books and other records,” approved February twenty-ninth, eighteen hundred and ninety-two, and sections thirty-one hundred and eighty-six and thirty-one hundred and eighty-seven of chapter one hundred and fifty-four of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 3174. Examination of clerk's office.—Before any vacancy, existing or to occur in the office of clerk, shall be filled, the court, or the judge thereof in vacation, shall, and at any other time may, appoint two or more persons to examine the clerk's office. They shall examine the office books, and the condition of the records and papers in the office, and report whether the clerk has faithfully discharged his duties. The court may allow each person making such examination, not exceeding five dollars per day, which, if the examination be of the clerk's office of the circuit court of a county or the circuit, corporation or other court of a corporation, shall be charged on such county or corporation; and the supreme court of appeals, or any three of the judges thereof in vacation, shall in like manner cause to be examined the clerk's office of said court, and the expense thereof shall be paid out of the treasury.

§ 3175. Bonds of clerks of court of appeals; where recorded.—The court of appeals shall take from each of its clerks a bond in the penalty of not less than three nor more than ten thousand dollars. If the clerk be appointed in vacation, under section thirty-one hundred and seventy-two, the bond may be taken in vacation by the judges making the appointment. Every such clerk shall, within ten days after the execution of his bond, or of any new or additional bond which may be required of him, deliver the same to the clerk of the circuit court of the county or corporation or hustings court of the corporation, wherein the place of session of the court of appeals for which the clerk giving the bond was appointed. Every such bond shall be forthwith recorded by the clerk to which it is so delivered. Any clerk who fails to do what is required of him by this section shall be fined not less than fifty nor more than one hundred dollars.

§ 3176. Where clerk's office to be kept.—The clerk's office of the court of appeals at Richmond, Staunton, and Wytheville shall continue at the places at which they are now kept, unless the said court shall see cause to direct its clerk's offices, in any case, to be kept elsewhere. The clerk's office of every circuit court of any county, or circuit, corporation, hustings or other court of any corporation, shall be kept at the courthouse of such county or corporation, unless there shall have been a failure by the proper authorities to provide such office there, in which case the clerk's office may be kept at such other place within the county or corporation as the court may direct.

§ 3182. Execution book; what clerk to enter therein.—The clerk of the circuit court of every county, and the clerk of the circuit, corporation, hustings or other court of every corporation, shall keep an execution book, in which he shall enter in each case wherein an execution is issued, the names of the parties, the time of the judgment, the amount thereof, or a reference to the page of the order book wherein the amount appears, the date of each execution, the nature thereof, when returnable, and, if return be made thereon, the nature of such return.

§ 3184. Courts may have general index made to deed books, will books, and so forth; how deeds, wills, and so forth, when recorded, to be indexed.—The circuit court of every county and the circuit, corporation, hustings or other court of every corporation wherein a general index to the deed books, will books, bond books, judgment lien docket books, minute books, and records of fiduciary accounts, on file in the clerk's office of such county or corporation has not been provided, or wherein such general index has been provided and has become so defaced as to render another general index necessary and proper, or wherein the index does not show the Christian names or the initials of the grantor, grantee or testator, may, in its discretion, appoint a suitable person, whose duty it shall be to make a general index of such deed books in the full names of the grantor and grantee, and a general index to the will books, bond books, judgment lien docket books, minute books, and records of fiduciary accounts; and the said court shall certify a proper allowance to the persons so appointed, as compensation for services performed under such order, and direct warrant therefor payable out of the treasury of such county or corporation, and the board of supervisors of

the county or the council of the corporation shall make sufficient levy for the same. It shall be the duty of the county clerk and of the clerk of the circuit, corporation, hustings or other court of every corporation to index all recorded deeds, wills, bonds, docketed judgments and fiduciary accounts, as well in the general index as in the deed books, will books, bond books, judgment lien docket books, minute books, and records of fiduciary accounts.

§ 3186. When and how to note release of deed of trust, and so forth. Whenever a release of a deed of trust or other obligation shall be admitted to record in the office of the county clerk of any county or in the office of the clerk of the corporation court of any corporation, or of the chancery court of the city of Richmond, or of any other court in which deeds are authorized to be admitted to record, it shall be the duty of such clerk to make a memorandum on the margin of the page of the book, upon which such deed or other obligation is recorded, stating that such deed or other obligation is released and refer to the page and number of the deed book upon which such release is recorded; and if any clerk fail to do anything required of him by this section, he shall be liable for any damage which any person may sustain by reason of such failure, and shall pay a fine of not less than thirty nor more than three hundred dollars to any person who shall prosecute therefor.

§ 3187. Clerk to keep process book; how processes, decrees, and so forth, to be served, entered therein; how delivered or sent out; receipt of officer.—The clerk of the circuit court of every county and the clerk of the circuit, corporation, hustings or other court of every corporation, from whose office may be issued any process, original, mesne or final, or any order or decree to be served on any person, shall, unless the party interested, or his attorney, direct otherwise, deliver the same to the sheriff or other officer of the county or corporation for which the court is held, if it is to be executed therein, and if it is to be executed in any other county or corporation, shall inclose the same to the sheriff or other officer thereof, put it in the postoffice and pay the postage thereon. The clerk shall keep a process book wherein there shall be an entry of every such process, order, or decree, showing its nature, date, and return day; the person to whom, and the time when it was delivered, or, if it was mailed, the time thereof and the person to whom it was inclosed. From any officer, to whom there is such delivery, the clerk shall take a receipt in his process book.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 391.—An ACT to amend and re-enact section 4147 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section forty-one hundred and forty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 4147. Allowance to convict on his discharge.—The board, in its discretion, may allow a convict, on his discharge, not exceeding ten dollars. The superintendent shall furnish to convicts, when discharged, proper certificates of transportation to the county or city from which such convict was sent, over any road or transportation line embraced in the schedule furnished by the State corporation commission; and, if he need it, a suit of coarse clothing.

2. This act shall be in force from its passage.

CHAP. 392.—An ACT to amend and re-enact sections 853, 855, 857, 858, 861, 862, 863, and 865 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and fifty-three, eight hundred and fifty-five, eight hundred and fifty-seven, eight hundred and fifty-eight, eight hundred and sixty-one, eight hundred and sixty-two, eight hundred and sixty-three, and eight hundred and sixty-five of the Code of Virginia, be, and the same are hereby, amended and re-enacted so as to read as follows:

§ 853. Where treasurer to keep his office; how disburse county's money.—The county treasurer shall keep his office at the county seat, receive all moneys payable into the treasury of said county, and disburse the same on warrants drawn by the board of supervisors for the county, but it shall be competent for the judge of the circuit court, by order entered of record, to certify that in his opinion some other point in said county would be more convenient to a majority of its citizens; and upon the entry of such order, the treasurer shall remove his office to the place named in said order; but he, or one of his deputies, shall attend the first and second days of each regular term of the circuit court, and all regular meetings of the board of supervisors.

§ 855. Examination of treasurer's bond; when court to require new bond.—Each circuit and corporation court shall enter an order at some spring and fall term in each year, requiring the commissioner of accounts of such court, or if it be improper for such commissioner to act, or if there be no commissioner of accounts of such court, then the commissioner of accounts of some other court to be designated in said order, to examine the official bond of the treasurer of such county or city, and report to the said circuit or corporation court at its next term thereafter, whether the said bond is sufficient in all respects, and at the same time certify a copy of such report to the auditor of public accounts. If the bond be reported insufficient, the court shall make an order requiring the treasurer, within thirty days after he shall have been served with a copy of the order as a notice is required by law to be served, either to execute a new bond, or give a bond in addition to the one already given, as to it may seem proper, which bond may be given before said court, or the judge thereof in vacation. If the bond required be not given within the time prescribed, the office shall be deemed vacant. The commissioner's fees shall be paid out of the county or city funds.

§ 857. Treasurer to deliver books, and so forth, to appointee.—Whenever a vacancy in the office of a county or city treasurer is filled by appointment, the court, or judge making the appointment, shall, at the time the appointment is made, if the vacancy exists by reason of the resignation or removal of the treasurer from office, order such treasurer to deliver forthwith all the books and papers belonging to him as treasurer to the officer so appointed, taking his receipt for the same; or, where no appointment is made, or the officer appointed fails to qualify, order him to deposit the same with the clerk of the circuit or corporation court, who shall give a receipt therefor, and hold the same subject to the order of said court.

§ 858. Treasurer to keep account of receipts and disbursements; to make bi-monthly statements; book to be open for inspection.—The treasurer shall keep a correct account of all moneys received and disbursed by him for the county, and shall, on the first day of each regular meeting of the board of supervisors until his settlement with the board of supervisors at the end of the year, as provided in section eight hundred and sixty-two, make up a sworn statement of his receipts and disbursements, and with said statement a list of all warrants paid by him during the next preceding two months, the number of each warrant, and to whom paid, and return said statement to the said board of supervisors. The clerk of the board shall file said report and preserve the same for the inspection of any person having an interest therein. The clerk shall certify to each regular grand jury in his court the fact that the treasurer has returned the statements and lists required to be returned, and if the treasurer has failed so to do, shall certify such failure. For every failure of a clerk to make such certificate, he shall be fined fifty dollars. The treasurer shall keep the books, papers, and moneys pertaining to his office, at all times ready for the inspection of the Commonwealth's attorney or board of supervisors, and shall, when required, exhibit a statement of his accounts and the book containing a list of the warrants drawn upon him.

§ 861. Books and stationery for treasurer's office; court or supervisors may require statement of his accounts.—He shall, under the direction of the board of supervisors, provide suitable books and stationery for his office and preserve the same; and as often and in such manner as may be required by the circuit court or board of supervisors, furnish an account of the receipts and expenditures of the county and a statement of his account as treasurer with the county.

§ 862. Treasurer's annual statement with supervisors; to deliver books, and so forth, to successor.—He shall receive the county levy in the manner prescribed for the receipt of the State revenue, and shall, at the July or August meeting of the board of supervisors, as the case may be, or within sixty days thereafter, settle with said supervisors his accounts for that year; and out of the balance shown to be in his hands upon said settlement he shall at once pay all warrants drawn on the levy for that year not previously paid, in the order of their presentation, as provided by section eight hundred and fifty-nine; and when his term of office expires, or if he die, resign, or be removed from office, he, upon the expiration of his term of office, resignation, or removal, or his personal repre-

representative upon his death, shall immediately make such settlement, showing the amount in his hands to be accounted for, and the fund to which the same belongs, and deliver to his successor all bonds, books, and papers belonging to his office, and all money belonging to the county.

§ 863. Treasurer not to deal in county warrants; remedy for failure to pay warrant.—No county treasurer, or any of his deputies, shall, either directly or indirectly, obtain by contract, purchase, barter, or exchange, either for himself or any other person, or become the owner, in whole or in part, of any warrant drawn upon the county treasury, or payable out of the same; and if any county treasurer or deputy shall so contract for or purchase any such warrant, such treasurer shall not be allowed in his annual settlement the amount of said warrant, or any part thereof, and this shall be in addition to the penalties prescribed in section eight hundred and sixty-six. If any such treasurer fail to pay, upon presentation, any legal warrant, having in his hands at the time funds out of which the same ought to be paid, or fail to set apart necessary funds, when the same shall come into his hands, for the payment thereof in its order, if listed under section eight hundred and fifty-nine, and to pay over the amount due upon such warrant as soon thereafter as the same may be again presented, the holder thereof may, on motion in his own name, in the circuit court of the treasurer's county, recover from him and his sureties the amount of such warrant, together with damages, after the rate of ten per centum per month on the said amount from the time such treasurer should have paid the same, and the costs of such motion, including an attorney's fee of five dollars.

§ 865. Suits against treasurers.—For every breach of the condition of the bond of the treasurer of any county or city, either in failing to account for and pay into the treasury all taxes due from him to the State, or to pay over to his successor all moneys required by section eight hundred and sixty-two to be paid to his successor in office when he goes out of office, suit may be brought against such treasurer and his sureties on his official bond in the first case in the circuit court of the city of Richmond for the use of the State, or in the second case in the circuit court of his county, or the circuit or corporation court of his city, at the relation of his successor, for the use of the city, county, district, county school board, or district school board, as the case may be, or the same, together with damages and costs as prescribed by section eight hundred and sixty-three, may be recovered by motion in said courts. A motion under this section shall be after at least five days' notice, and when, on behalf of the Commonwealth, shall be in the name of the Commonwealth, and in all other cases in the name of the successor in office of such treasurer. Upon any judgment rendered in such suit or motion a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter thirty, and be proceeded with in the same manner.

2. This act shall be in force on and after February the first, nineteen hundred and four.

CHAP. 393.—An ACT to amend and re-enact section 4096 of chapter 200 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section four thousand and ninety-six of chapter two hundred of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 4096. Where recognizance taken out of court to be sent.—A person taking a recognizance out of court shall forthwith transmit it to the clerk of the court for appearance before which it is taken; or, if it be not for appearance before a court, to the clerk of the circuit court of the county, or corporation court of the corporation in which it is taken, and it shall remain filed in the clerk's office.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 394.—An ACT to amend and re-enact section 3231 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and thirty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3231. What order of publication to state and require; how published and posted; when publication in newspaper dispensed with.—Every order of publication shall give the abbreviated style of the suit, state briefly its object, and require the defendants against whom it is entered, or the unknown parties, to appear within fifteen days after due publication thereof and do what is necessary to protect their interests. It shall be published once a week for four successive weeks in such newspaper as the court may prescribe, or, if none be so prescribed, as the clerk may direct, and shall be posted by the clerk, at the front door of the courthouse of the county or corporation wherein the court is held, on or before the next succeeding rule day after it is entered; and the clerk shall file a certificate of the fact in the papers of the case; but the court, or the judge thereof in vacation, may, in any case, if the court or judge deem it proper, dispense with such publication in a newspaper.

2. This act shall be in force from its passage.

CHAP. 395.—An ACT to amend and re-enact section 2485 of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact sections 2485 and 2486 of the Code of Virginia, in relation to the lien of employees, etc., of transportation, mining, and manufacturing companies on franchises and property of said companies, and how the same may be perfected and enforced," approved February 15, 1892.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and eighty-five of the Code of Virginia, as amended

by an act entitled "an act to amend and re-enact sections twenty-four hundred and eighty-five and twenty-four hundred and eighty-six of the Code of Virginia, in relation to the lien of employees, and so forth, of transportation, mining, and manufacturing companies on franchises and property of said companies, and how the same may be perfected and enforced," approved February fifteen, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2485. Lien of employees, and so forth, of transportation companies, and so forth, on franchises and property of company.—All conductors, brakemen, engine drivers, firemen, captains, stewards, pilots, clerks, depot or office agents, storekeepers, mechanics, traveling representatives, or laborers, and all persons furnishing railroad iron, engines, cars, fuel, and all other supplies necessary to the operation of any railway, canal, or other transportation company, and all clerks, mechanics, traveling representatives, and laborers who furnish their services or labor to any mining or manufacturing company, whether such railway, canal, or other transportation or mining or manufacturing company be chartered under or by the laws of this State, or be chartered elsewhere, and be doing business within the limits of this State, shall have a prior lien on the franchises, gross earnings, and on all the real and personal property of said company which is used in operating the same to the extent of the moneys due them by said company for such wages or supplies; and no mortgage, deed of trust, sale, hypothecation, or conveyance executed since the twenty-first day of March, eighteen hundred and seventy-seven, shall defeat or take precedence over said lien: provided, however, that the lien secured by this provision to parties furnishing supplies shall be subsequent to that due to clerks, mechanics, and laborers, for services furnished as aforesaid: and provided, that if any person entitled to a lien as well under section twenty-four hundred and seventy-five, as under this section shall perfect his lien given by either section, he shall not be entitled to the benefit of the other: and provided, also, that no right to or remedy upon a lien which has already accrued to any person shall be extended, abridged, or otherwise affected hereby.

2. This act shall be in force from its passage.

CHAP. 396.—An ACT to repeal an act of the general assembly of Virginia entitled "an act to amend and re-enact section 1022 of the Code of Virginia, in relation to registrars and judges of election for the towns of this State," approved March 2, 1903.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia entitled "an act to amend and re-enact section ten hundred and twenty-two of the Code of Virginia, in relation to registrars and judges of election for the towns of this State," approved March second, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 397.—An ACT to repeal an act entitled "an act providing for the compensation and mileage of members, committees, officers, and employees of the general assembly, and for the payment of the same," approved July 25, 1902.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act providing for the compensation and mileage of members, committees, officers, and employees of the general assembly, and for the payment of the same," approved July twenty-fifth, nineteen hundred and two, be, and the same is hereby, repealed.

2. This act shall be in force on and after January thirteenth, nineteen hundred and four.

CHAP. 398.—An ACT to repeal sections 4199 and 4200 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections forty-one hundred and ninety-nine and forty-two hundred of the Code of Virginia be, and the same are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 399.—An ACT to amend and re-enact section 3316 of the Code of Virginia, as amended and re-enacted by an act of the legislature of Virginia, approved January 25, 1890, entitled "an act to amend and re-enact section 3316 of the Code of 1887, in regard to the removal of causes," and to repeal section 3315 of the Code of Virginia, as amended by an act of the general assembly, approved March 5, 1894.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and sixteen of the Code of Virginia, as amended and re-enacted by an act of the legislature of Virginia, approved January twenty-fifth, eighteen hundred and ninety, entitled "an act to amend and re-enact section thirty-three hundred and sixteen of the Code of eighteen hundred and eighty-seven, in regard to the removal of causes," be amended and re-enacted so as to read as follows:

§ 3316. Removal by circuit or corporation courts, or their judges, on motion, after notice, of suits, and so forth, pending in said courts.—A circuit court wherein a suit, motion, or other civil proceeding is pending, or the judge thereof in vacation, may, on motion by any party, after twenty days' notice to the adverse party or his attorney, and for good cause shown, order any such suit, motion, or other civil proceeding pending therein, to be removed to any other circuit or corporation court, and a corporation court, or the judge thereof in vacation, on like motion and notice, and for good cause shown, may order any suit, motion, or other civil proceeding pending therein to be removed to any other corporation or circuit court.

2. And be it further enacted, That section thirty-three hundred and

fifteen of the Code of Virginia, as amended by an act of the general assembly, approved March fifth, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 400.—An ACT to amend and re-enact chapter 125, acts of assembly, session 1895-'96, entitled "an act to require sheriffs and sergeants of the counties and cities of this State to report to courts of their respective counties and cities the number of prisoners confined in their respective jails," approved January 23, 1896.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and twenty-five, acts of assembly, session eighteen hundred and ninety-five and eighteen hundred and ninety-six, entitled "an act to require sheriffs and sergeants of the counties and cities of this State to report to courts of their respective counties and cities the number of prisoners confined in their respective jails," approved January twenty-third, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

1. The sheriffs and sergeants of the counties and cities of this State shall, on the first day of each term of the circuit and corporation courts, make a report to the judge thereof showing the number of prisoners in jail on that day, which report shall show the name, date of commitment, offense, and sentence of each prisoner, and said report shall be entered on the order book of the said court.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 401.—An ACT vesting in the circuit courts of this Commonwealth, and in the judges thereof, the jurisdiction and powers now vested in and exercised by, and duties imposed upon, the county courts, or the judges thereof, under the laws of this State, or under any will or other instrument of writing.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That the jurisdiction and powers now vested in and exercised by, and duties imposed upon, the county courts of this Commonwealth, and the judges thereof, under the laws of this State, or under any will or other instrument of writing, shall be vested in, exercised by, and imposed upon the circuit courts of this Commonwealth, and the judges thereof, except when otherwise specially provided.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 402.—An ACT to repeal an act entitled “an act prescribing the cases in which the governor shall have power to remit fines and penalties, the rules and regulations under which the same may be done, and how such judgments for fines, penalties, and costs may be marked satisfied upon judgment lien docketts,” approved March 16, 1903.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act prescribing the cases in which the governor shall have power to remit fines and penalties, the rules and regulations under which the same may be done, and how such judgments for fines, penalties, and costs may be marked satisfied upon judgment lien docketts,” approved March sixteenth, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 403.—An ACT to amend and re-enact sections 4050, 4051, and section 4052, as amended by an act approved March 1, 1898; sections 4053, 4057, 4060, 4073, and section 4074, as amended by an act approved March 3, 1896, of chapter 198 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections four thousand and fifty, four thousand and fifty-one, and section four thousand and fifty-two, as amended by an act approved March first, eighteen hundred and ninety-eight; sections four thousand and fifty-three, four thousand and fifty-seven, four thousand and sixty, four thousand and seventy-three, and section four thousand and seventy-four, as amended by an act approved March third, eighteen hundred and ninety-six, of chapter one hundred and ninety-eight, of the Code of Virginia, be amended and re-enacted so as read as follows:

§ 4050. When bill of exceptions may be taken.—A party in a criminal case, or proceeding for contempt, for whom a writ of error lies to the supreme court of appeals, may except to an opinion of the court and tender a bill of exceptions, which (if the truth of the case be fairly stated therein) the judge shall sign; and it shall be a part of the record of the case.

§ 4051. When execution of sentence to be suspended.—If a person, sentenced by a circuit, or corporation, or hustings court, to death, or confinement in the penitentiary, ask for time to apply for a writ of error, the said court shall postpone the execution of its sentence until a reasonable time beyond the first day of the next term of the court of appeals, not exceeding thirty days after that day. In any other criminal case, wherein judgment is given by any court, and in any case of judgment for a contempt, to which a writ of error lies, the court giving such judgment may postpone the execution thereof for such time and on such terms as it deems proper.

§ 4052. Writs of error in criminal cases, where lie; when for accused, when for Commonwealth.—A writ of error shall lie in a criminal case to the judgment of a circuit court or the judge thereof, or of a corporation court or of a hustings court from the court of appeals. It shall lie in any such case for the accused, and if the case be for the violation of law relating to the State revenue, or for the violation of a law therein declared to be unconstitutional, it shall lie also for the Commonwealth.

§ 4053. Where lie judgments for contempt of court.—To a judgment for a contempt of court, other than for the non-performance of, or disobedience to, a judgment, decree, or order, a writ of error shall lie to the supreme court of appeals. This section shall not be construed to authorize a writ of error to a judgment of a circuit court rendered on appeal from a judgment of a justice for contempt.

§ 4057. Where writs of error docketed and heard; issue of summons and supersedeas; how process against Commonwealth served.—All cases in which a writ of error is awarded by the supreme court of appeals, or a judge thereof, shall be docketed, heard, and determined in the said court. The clerk of the supreme court of appeals wherein a case is docketed shall issue a summons against the parties interested other than the petitioner that they may be heard, and also issue any supersedeas which may be awarded. Where the Commonwealth is defendant in error, if the case be in the court of appeals, process shall be served on the attorney-general.

§ 4060. How judgment of appellate court certified and entered.—The judgment of the supreme court of appeals shall be certified to the court to whose judgment the writ of error was allowed, which court, or the clerk thereof in vacation, shall cause the same to be entered on its order book as its own judgment.

§ 4073. The obligation to be taken from hirer; where returned; how endorsed by clerk; to have effect of judgment; prisoner refusing to keep contract to be remanded to jail; liability of obligors not affected thereby.—The officer shall take from the hirer an obligation to the Commonwealth, with surety, for the payment of the fine and costs, and return the same forthwith to the clerk's office of the circuit court of the county or corporation court of the corporation in whose jail the prisoner is confined. The clerk shall endorse on the obligation the date of its return, and, from the time it is returned, it shall have the force and effect of a judgment, but no execution shall issue thereon until after motion upon notice to the obligors therein. If the prisoner refuse to comply with the contract of hiring, on the affidavit of the hirer a *capias pro fine* may issue, and the prisoner be remanded to jail. Such refusal shall not affect the liability of the obligors in such obligation, but any part of the fine or costs that is paid shall be a credit thereon.

§ 4074. How person confined in jail by court or justice until fine is paid, or under *capias pro fine*, released.—When a person is confined in jail by order of any court or justice until he pay a fine and the costs of prosecution, or the costs where there is no fine, or under a *capias pro fine*, on application to the circuit court of the county or corporation court of the corporation where confined, or to the judge thereof in vacation, such court, or judge in vacation, as the case may be, if to such court or judge

it shall appear proper, may order the person to be released from imprisonment without the payment of the fine and costs, or costs where there is no fine, and he shall not thereafter be imprisoned for failure to pay the fine and costs or costs in that case: provided, however, that the attorney for the Commonwealth of said county or city shall have five days' notice of such application.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 404.—An ACT to repeal chapter 692, acts of assembly, session 1897-'98, entitled "an act to fix and regulate the time for holding elections or taking a vote to ascertain the sense of the qualified voters of a county or counties out of which a new county is sought to be created and established," approved March 3, 1898.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter six hundred and ninety-two, acts of assembly, session eighteen hundred and ninety-seven-'eight, entitled "an act to fix and regulate the time for holding elections or taking a vote to ascertain the sense of the qualified voters of a county or counties out of which a new county is sought to be created and established," approved March third, eighteen hundred and ninety-eight, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 405.—An ACT to amend and re-enact an act approved December 8, 1902, entitled an act to authorize, empower, and direct the board of supervisors of Clarke county to build, construct, and maintain a toll-bridge at or near Castleman's Ferry, in said county, and to build, construct, and maintain a toll-bridge at or near Berry's Ferry, in said county of Clarke, over the Shenandoah river; to issue county bonds to the extent of forty thousand dollars, for the purpose of raising money for the construction of said bridges; to receive any subscriptions that may be made for said purpose; to provide for the collection, custody, and application of said tolls; and to validate an election held in the county of Clarke, November 4, 1902, approving an issue of the bonds of said county, to the amount of forty thousand dollars for the purpose of constructing the said toll-bridges," so as to provide for the payment of the land damages and approaches out of the annual levy.

Approved December 10, 1903.

Whereas, an act was passed by the general assembly of Virginia authorizing the board of supervisors of Clarke county to build, construct, and maintain two bridges over the Shenandoah river in Clarke county, and to submit to the qualified voters of said county at some general election the question of issuing the bonds of the county in a sum not exceeding forty thousand dollars for the purpose of constructing the same; and,

Whereas, the following form of ticket was adopted by the electoral

board of said county for use by the voters at a general election held on the fourth of November, nineteen hundred and two, to-wit:

"For issuing bonds for toll bridges.

For issuing bonds for free bridges.

Against issuing bonds"; and,

Whereas, a majority of said electors voted at said general election in said county in favor of issuing such bonds for the construction of toll bridges at the places mentioned in said act; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the action of the board of supervisors in submitting said question to the qualified voters residing in said county, the form of such submission, and the result thereof, are hereby made as valid, binding, and legal as if the same had been authorized by said act of March twenty-fifth, nineteen hundred and two. That the board of supervisors of the county of Clarke be, and the same are hereby, authorized, empowered, and directed to cause to be built and constructed two suitable bridges, with the necessary approaches thereto, across the Shenandoah river, one of them to be located at or near Castleman's ferry, and the other to be located at or near Berry's ferry, in said county of Clarke: provided, the cost of the same to the taxpayers of the said county does not exceed the sum of forty thousand dollars, exclusive of the cost of the approaches thereto.

2. That the said board of supervisors are authorized to condemn, purchase, or acquire by gift to the county, any rights and sites necessary therefor, on either side of said river, in the manner provided for by law, the expense of acquiring the land to be paid out of the general levy.

3. That the said board of supervisors are authorized, empowered, and directed to borrow from time to time a sum or sums of money not exceeding in the whole the sum of forty thousand dollars, to be expended in the erection and construction of said bridges in said county, and to issue bonds of said county for the loan therefor. The bonds shall be either registered or coupon, in denominations of one hundred dollars each, or multiples thereof, in such form as said board may prescribe; shall be signed by the chairman of said board, and countersigned by the clerk thereof; shall bear interest at a rate not exceeding six per centum per annum, payable annually or semi-annually at the office of the treasurer of said county, and shall be payable not exceeding twenty years after date at said office, and may in the discretion of said board, be redeemable within that period, and at such time or times as said board may prescribe. The said bonds, though of the same issue, may be made payable at different times, so that the same may mature and become due and payable at different and varying periods; but no bonds issued under this act shall be sold or negotiated at less than par.

4. The said board is hereby given full power to construct the said bridges, with reference to the subjects mentioned in the foregoing sections, in such manner as may seem best to them for the public interest, and to carry into effect the provisions and purposes of this act.

5. The said board is hereby authorized, empowered, and directed to receive all subscriptions that may be offered to aid in the construction and building of either or both of said bridges, the said subscriptions to be received and considered as a gift to said county, and when said board

shall have ascertained that the cost to the taxpayers of said county of constructing said bridges, exclusive of necessary approaches, will not exceed the sum of forty thousand dollars, it shall proceed to construct them, and if it shall appear that the cost to the taxpayers of constructing said bridges will exceed the sum of forty thousand dollars, but that the sums subscribed from private sources for the construction of any one of them, together with its ratable share of said sum of forty thousand dollars, are sufficient in amount for its construction, then it will be the duty of the board to construct such bridge, the ratable share of such forty thousand dollars so applicable to be the portion that is to the whole of said sum, as the cost of building said bridge is to the aggregate ascertained cost of building both bridges.

6. The said board of supervisors are authorized, empowered, and directed to secure suitable plans and specifications for said bridges, either by employment of skilled engineers, or from contracting and construction companies, and to make such provisions for their payment as may be necessary in making up the annual county levy, and the said board shall annually include in the county levy, upon the property and lawful subjects of taxation in the said county as a part of the county levy, a sum and tax sufficient to pay any deficit in the annual interest on said bonds not realized from the tolls herein provided for, and in such manner as the said board deems best, create a sinking fund to pay off the said bonds, at or before maturity.

7. The title to said bridges and all rights pertaining to same shall be in the county of Clarke, and the said bridges shall be, and remain, the property of the said county of Clarke.

8. The said board of supervisors are hereby authorized to levy toll on all persons, animals, and vehicles, the latter, whether they are propelled by electricity, steam, or otherwise, the maximum rate so fixed by them not to exceed the present maximum rates of ferriage charged at Berry's or Castleman's ferries. They shall have power to employ one or more bridge-keepers, who shall make monthly settlements with the said board of supervisors of the tolls collected by them, and who shall give bonds, conditioned according to law, for the faithful discharge of their duties. The said board of supervisors shall fix the compensation of said bridge-keepers at a sum not to exceed five hundred dollars per annum for each bridge.

9. The county treasurer shall keep a distinct account of funds acquired from tolls collected at said bridges in a book provided for that purpose, and shall, on the order of said board of supervisors, pay out of said funds the salaries of said bridge-keepers, the cost of keeping said bridges in repair, the interest of the bonds issued on the authority of this act, and the balance he shall devote to a sinking fund for the purpose of retiring said bonds at or before maturity.

10. This act shall be in force from its passage.

CHAP. 406.—An ACT to amend and re-enact sections 3207 and 3208 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-two hundred and seven and thirty-two hundred and eight of the Code of Virginia be amended and re-enacted so as to read as follows :

§ 3207. Mode of serving notice; evidence of service.—A notice, no particular mode of serving which is prescribed, may be served by delivering a copy thereof in writing to the party in person; or, if he be not found at his usual place of abode, by delivering such copy and giving information of its purport to his wife or any person found there, who is a member of his family, and above the age of sixteen years; or, if neither he nor his wife, nor any such person be found there, by leaving such copy posted at the front door of said place of abode. Any sheriff, sergeant, or constable thereto required, shall serve a notice in his county or corporation, and make return of the manner and time of service; for a failure so to do he shall forfeit twenty dollars. Such return, or a similar return by any other person who verifies it by affidavit, shall be evidence of the manner and time of service: provided, however, that in divorce proceedings notices for the taking of depositions, or for any other purpose, shall be served only by the sheriff of the county or the sergeant or sheriff of the city in which the service is sought to be had.

§ 3208. Service as to non-residents.—Any such notice to a person not residing in Virginia may be served by the publication thereof once a week for four successive weeks, in a newspaper published in the city or county where the proceedings, about which the notice is given, are to be held, or if no newspaper is published in such city or county, then in a newspaper published in some convenient city or county.

2. This act shall be in force from its passage.

CHAP. 407.—An ACT to amend and re-enact section 3419, as amended by an act entitled "an act to amend and re-enact section 3419 of chapter 167 of the Code of 1887, in reference to the powers of a personal representative of a dead trustee," approved February 7, 1890, and by an act approved March 7, 1898, and section 3426, as amended by an act entitled "an act to amend and re-enact section 3426 of the Code of Virginia of 1887, in relation to interlocutory decrees and orders," approved February 12, 1894, and by an act approved January 27, 1896, and by an act approved March 3, 1898.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and nineteen, as amended by an act entitled "an act to amend and re-enact section thirty-four hundred and nineteen of chapter one hundred and sixty-seven of the Code of eighteen hundred and eighty-seven, in reference to the powers of a personal representative of a dead trustee," approved February seventh, eighteen hundred and ninety, and by an act approved March seventh, eighteen hundred and ninety-eight, and section thirty-four hundred and twenty-six, as amended

by an act entitled "an act to amend and re-enact section thirty-four hundred and twenty-six of the Code of Virginia of eighteen hundred and eighty-seven, in relation to interlocutory decrees and orders," approved February twelfth, eighteen hundred and ninety-four, and by an act approved January twenty-seventh, eighteen hundred and ninety-six, and by an act approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 3419. How trustee appointed in place of one who is dead, resigned, removed, or declined the trust.—When a trustee in a will, deed, or other writing, dies, or removes beyond the limits of the State, or declines to accept the trust, or when, having accepted, he resigns the same, as he may be allowed to do, the circuit court of the county or the circuit, corporation, hustings, or other court of the corporation, in which such will was admitted to probate, or such deed or other writing is, or might have been recorded, may, on motion of any person interested, appoint a trustee or trustees in the place of the trustee named in such instrument. A motion under this section shall be after reasonable notice to all parties interested in the execution of the trust other than the plaintiff in such motion. Until a trustee or trustees shall on such motion be so appointed, the personal representative of the deceased trustee, if the deceased trustee was a sole trustee, the surviving trustee or trustees, if there be more than one trustee, or the remaining trustee or trustees, if there were more than one trustee, and one or more of them removes or remove beyond the limits of this State, declines or decline to accept the trust, or having accepted, resigns or resign, shall execute the trust, or so much thereof as remained unexecuted at the death, removal beyond the limits of the State, declination to accept the trust, or registration after acceptance of such trust (whether the trust subject be real or personal estate), unless the instrument creating the trust direct otherwise, or some other trustee be appointed for the purpose by the court of chancery having jurisdiction of the case. This section shall not apply to any case provided for by section fourteen hundred and twenty-three.

§ 3426. Interlocutory decrees and orders in vacation.—On the motion of any party to a chancery cause pending in a circuit court on ten days' notice to the adverse party or his counsel, the judge of such court may, in vacation, make any interlocutory decree or order, or direct any proceedings therein preparatory to the hearing of the cause on the merits; and may, also, after like notice to the adverse party or his counsel, and to the purchaser or renter, make an order confirming or refusing to confirm a sale or renting made under a decree in any such case; and in case of a refusal to confirm a sale or renting, the judge may order a re-sale or re-renting, or release, as the nature of the case may require; and may also, after like notice to the purchaser or his assigns, order a re-sale of any real estate or other property made under a decree in any chancery cause, for default in the payment of the purchase money, or any part thereof, or the interest due thereon. In all cases of confirmation, re-renting, and re-sale, the judge shall have the authority to convene before him all necessary parties and to make all orders necessary to carry the same into effect, and any circuit or corporation court may at any time during vacation appoint a commissioner to convey title to any purchaser

of a tract of land sold in any chancery proceedings, who shall have fully paid for the same; but in case of any such order made in vacation for such title, such order shall provide that the receiver or commissioner who has collected the purchase money for the same shall unite in said deed, acknowledging receipt of the purchase money for the said land in full.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 403.—An ACT to amend and re-enact section 923 of the Code of Virginia, as amended and re-enacted by an act approved February 16, 1892, and by an act approved March 3, 1898.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and twenty-three of the Code of Virginia, as amended and re-enacted by an act approved February sixteen, eighteen hundred and ninety-two, and by an act approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 923. Appointment of notaries public; their term and bonds; to be conservators of the peace; what to vacate their offices; clerks to inform the governor of vacancies.—The governor shall appoint in and for the separate counties and cities of the State as many notaries as to him may seem proper, who shall hold office for the term of four years, and who shall exercise the powers and functions of conservators of the peace, and he may appoint the same person to serve for two or more counties and cities: provided, that notaries in cities and in counties in which cities or parts thereof are located shall have authority to act as such in each of said localities, or for one county and city. Every notary shall give bond in the circuit court of the county or corporation court of the city for which the said notary is appointed, or before the judge of such court in vacation, within four months from the date of said notaries' commission in a penalty of not less than five hundred dollars, and the clerk of said court shall immediately forward a certified copy of said bond to the secretary of the Commonwealth. The removal of a notary from the county or corporation in which said notary resides when appointed, unless said removal be into another county or city for which said notary may have been also appointed, shall be construed as a vacation of said office, and the clerk of said county or city shall at once inform the governor of the fact, as well as of all deaths of notaries that may occur.

It shall be the duty of the secretary of the Commonwealth when a commission is ordered by the governor to send the same to the clerk of the court of the county or city in which the notary public is required to qualify, to be delivered by him to the notary public after said notary public has given bond and taken the oath of office, and the clerk of the court in which this is done shall be required forthwith to report the fact to the secretary of the Commonwealth, who shall be required to keep a book stating the names and numbers of notaries public, when appointed, and when qualified.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 409.—An ACT to amend and re-enact section 3214, as amended by an act approved February 14, 1900, and by an act approved March 3, 1900, and section 3218 of the Code of Virginia.

Approved December 10, 1908.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and fourteen, as amended by an act approved February fourteenth, nineteen hundred, and by an act approved March third, nineteen hundred, and section thirty-two hundred and eighteen of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3214. The county or corporation in which actions at law or suits in equity may be brought.—Any action at law or suit in equity, except where it is otherwise specially provided, may be brought in any county or corporation—

First. Wherein any of the defendants may reside.

Second. If a corporation be a defendant wherein its principal office is, or wherein its mayor, rector, president, or other chief officer resides.

Third. If it be to recover a loss under a policy of insurance, either upon property or life, wherein the property insured was situated, or the persons whose life was insured resided, at the date of the policy.

Fourth. If it be to recover land, or subject it to a debt, or be against a foreign corporation, which has estate or debts owing to it within this State, wherein such land, estate, or debts, or any part thereof may be; or if it be against a defendant who resides without, but has estate or debts owing to him within this State, wherein such estate or debts, or any part thereof may be, or in any county or corporation wherein he may be found and served with process; or if it be against a defendant who resides without, but has no estate or debts owing to him within this State, in any county or corporation wherein he may be found and served with process.

Fifth. If it be on behalf of the Commonwealth, whether in the name of the attorney-general or otherwise, it may be in the city of Richmond.

Sixth. If it be an action or a suit in which it is necessary or proper to make any of the following public officers a party defendant, to-wit: The governor, attorney-general, treasurer, register of the land office, either auditor, superintendent of public instruction, or commissioner of agriculture; or in which it may be necessary or proper to make any of the following public corporations a party defendant, to-wit: The board of education or other public corporation composed of officers of government, of the funds and property of which the Commonwealth is sole owner; or in which it shall be attempted to enjoin or otherwise suspend or affect any judgment or decree on behalf of the Commonwealth, or any execution issued on such judgment or decree, it shall be only in the city of Richmond.

Seventh. If a judge of a circuit court be interested in a case which but for such interest would be proper for the jurisdiction of his court, the action or suit may be brought in any county or corporation in an adjoining circuit.

§ 3218. Of mandamus, prohibition, and certiorari.—Jurisdiction of

writs of mandamus, prohibition, and certiorari (except such as may be issued from the court of appeals) shall be in the circuit court of the county, or in the circuit or corporation court of the corporation, wherein the record or proceeding is, to which the writ relates.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 410.—An ACT to amend and re-enact sections 927, 929 as heretofore amended, 930 and 934 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections nine hundred and twenty-seven, nine hundred and twenty-nine as heretofore amended, nine hundred and thirty, and nine hundred and thirty-four of the Code of Virginia, be, and the same are hereby, amended and re-enacted so as to read as follows:

§ 927. When jail of county to be jail for town.—Every town, having no jail of its own, shall have the use of the jail of the county in which such town is located, to aid the constituted authorities of any such town in maintaining peace and good order, and generally for the enforcement of its ordinances and by-laws, unless for good cause the judge of the circuit court of such county shall prohibit such use.

§ 929. Inspection of jails.—The board of supervisors and jail physician, if any, of each county in this State, once every three months, shall inspect the jail of said county. In every city having a corporation court with a jail separate from the county jail, the judge of the corporation court shall, once every three months, appoint a committee of three discreet freeholders, one of whom shall be a physician, whose duty it shall be to inspect said jail. The judge of the circuit court shall administer an oath to the board of supervisors, and the judge of the corporation court shall administer an oath to the committee appointed by him, which oath shall be as follows: "You shall report to the court as to the jail in this county (or city) the size thereof, the number of apartments, and its state of condition, whether it is in all respects such as required by section nine hundred and twenty-six, and if not, in what it is deficient. You shall also diligently examine and truly report whether or not the jailer has, during the last three months, faithfully performed the duties required of him in section nine hundred and twenty-eight, and if he has not, in what respect has he failed to perform the same." The said inspectors shall make quarterly inspections and report as above provided, and shall be furnished with a copy of said oath and of said sections.

If they make a report which fails in any respect to conform to said oath, it shall be recommitted to them until they fully report upon all of said matters. The said committee of jail inspectors shall receive no compensation for their services: provided, however, that the judge of the corporation court of the city of Richmond may allow to said com-

mittee or inspectors appointed for the jail of the city of Richmond a reasonable compensation, not to exceed ten dollars, to each inspector for the services rendered at each inspection, the said sum so allowed to be paid out of the treasury of the said city. If it is deemed necessary by said board of supervisors in counties where there is no jail physician, they shall appoint a physician to accompany them, who shall give his opinion as to the sanitary condition of the jail, which opinion shall be embodied in the report. The supervisors shall not hold a special meeting for the purpose of making the inspection herein provided for. Said supervisors and jail physician shall receive no additional pay for the services hereby required.

§ 930. Courts to fine jailers for failure of duty.—If it appear to the court, by such report or other evidence, that the jailer has in any respect failed to perform his duties, the court may, in a summary way, after summoning him to show cause against it, fine him not exceeding thirty dollars.

§ 934. Who to be keepers of jails; jails of circuit courts and court of appeals.—The sheriff of each county and the sergeant of each city shall be keeper of the jail thereof; except that the jail in the city of Williamsburg may be used as the jail, and the sergeant of the said city be the jailer, of the county of James City as well as of the said city of Williamsburg; and the jail and jailer of the county of Frederick shall also be the jail and jailer of the city of Winchester; and the jail and jailer of the county of Augusta shall be the jail and jailer of the city of Staunton. The jail of the city of Fredericksburg may be used as a jail for the circuit court of the county of Spotsylvania. The jail of each county and city shall be the jail of every court established therein by law. The jail of any county or city, in which the court of appeals may sit, may be used as a jail for the said court.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 411.—An ACT to amend and re-enact section 3354 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and fifty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3354. How person failing to attend and give evidence, or to produce a writing or document, proceeded against; prepayment of mileage and attendance.—If any person, after being served with such summons, fail to attend to give evidence, or to produce such writing or document, according to the summons, the court whose clerk issued the summons, or if it was not issued by a clerk of the court, the circuit court of the county or the circuit or corporation court of the corporation, in which the attendance was desired, or the judge of such circuit or corporation court in vacation, or the chancery court of the city of Richmond, or the judge

thereof in vacation, where the attendance is desired before a person acting under the authority of such chancery court, on a special report thereof by the person or persons before whom there was the failure to attend, and on proof that there was paid to him (if it was required by endorsement on the process) a reasonable time before he was required to attend, the allowance for one day's attendance and his mileage and tolls, shall, after service of a notice to or rule to show cause against it, if none be shown, fine him not exceeding twenty dollars, to the use of the party for whom he was summoned, and said court or judge may proceed, by attachment, to compel him to attend and give his evidence, or produce such writing or document at such time and place as said court or judge may deem fit. The witness shall, moreover, be liable to any party aggrieved for damages.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 412.—An ACT to authorize the supervisors of Warren county to borrow \$15,000, to be used in the building of a bridge and approaches thereto over the south branch of the Shenandoah river at or near Carson's ford, in said county.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Warren county be, and it is hereby, empowered to borrow upon the credit and faith of the county of Warren, and to appropriate towards the erection of a bridge and approaches thereto over the south branch of the Shenandoah river, at or near Carson's ford, in said county, such sum or sums of money as said board may think proper: provided, said sum so borrowed and appropriated does not exceed the sum of fifteen thousand dollars.

2. The said board of supervisors may issue the registered or coupon bonds of said county, in the sum of one thousand dollars each, or any multiple thereof, payable in thirty years from their date, or upon call of said board of supervisors at any time after twenty years from their date, bearing interest not exceeding five per centum per annum, the interest to be paid on the thirty-first day of December of each year. The said bonds shall be signed by the chairman of the board of supervisors, be countersigned by the county clerk, and have the seal of the county affixed.

3. The said bonds, when so issued, may be delivered for negotiation to such agent or agents as said board of supervisors may elect; but before such delivery of said bonds to said agent or agents, he, or they, as the case may be, shall execute bond, with good security, in such penalty as the said board of supervisors may think reasonable, conditioned for the faithful discharge of their trust as such agent or agents.

4. Said bonds shall be negotiable, and the proceeds thereof shall be paid into the hands of the treasurer of Warren county, to be held, and paid out by him, upon the order of the board of supervisors; and the

said treasurer, and the sureties on his official bond as such treasurer, shall be held responsible for said money in the same manner as for other county funds coming into his hands.

5. The act entitled an act to authorize the supervisors of Warren county to borrow twelve thousand dollars, to be used in the building of a bridge and approaches thereto over the south branch of the Shenandoah river at or near Carson's ford, in said county, approved April fourteenth, nineteen hundred and three, be, and the same is hereby, repealed.

6. By reason of the said board of supervisors of Warren county having contracted for the construction of said bridge, which is now in process of construction, and the money being needed to pay the contract price on or before January first, nineteen hundred and four, an emergency exists for this act to take effect at once, therefore this act shall be in force from its passage.

CHAP. 413.—An ACT to amend and re-enact sections 1565, 1574, 1581, and 1582, and to repeal sections 1569, 1576, 1579, and 1580 of chapter 69 of the Code of Virginia, in regard to the Virginia Military Institute and its management, as amended and re-enacted by an act entitled "an act to amend and re-enact chapter 69, Code of 1887, in regard to the management of the Virginia Military Institute, as amended by an act entitled "an act to amend and re-enact sections 2, 3, and 14 of chapter 54 of the acts of the general assembly, extra session, 1884, in relation to the appointment of a board of visitors of the Virginia Military Institute," approved May 18, 1887, and as amended by an act entitled "an act to amend and re-enact section 1582 of chapter 22 of the Code of Virginia, in relation to the government of the Virginia Military Institute," approved February 18, 1890, and to conform the same to the Constitution, approved May 16, 1903.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and sixty-five, fifteen hundred and seventy-four, fifteen hundred and eighty-one, and fifteen hundred and eighty-two of chapter sixty-nine, Code of Virginia, in regard to the Virginia Military Institute and its management, as amended and re-enacted by an act entitled "an act to amend and re-enact chapter sixty-nine, Code of eighteen hundred and eighty-seven, in regard to the management of the Virginia Military Institute, as amended by an act entitled 'an act to amend and re-enact sections two, three, and fourteen of chapter fifty-four of the acts of the general assembly, extra session eighteen hundred and eighty-four, in relation to the appointment of a board of visitors of the Virginia Military Institute,' approved May eighteen, eighteen hundred and eighty-seven, and as amended by an act entitled 'an act to amend and re-enact section fifteen hundred and eighty-two of chapter twenty-two of the Code of Virginia, in relation to the government of the Virginia Military Institute,' approved February eighteen, eighteen hundred and ninety, and to conform the same to the Constitution," approved May sixteen, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 1565. Meeting of board of visitors; president; secretary.—The board

of visitors shall meet at the institute once a year or oftener, and at any other times and places, when, in its opinion, or that of the superintendent of the institute, or president of the board of visitors, it shall be necessary to do so. Special meetings may also be called at any time by the superintendent of the institute, or the president of the board of visitors, when either may deem it advisable; and the board may adjourn from time to time. At their first meeting after the first day of January in each year the board shall appoint from their own body a president, and shall also appoint a secretary to the board. In the absence of the president or secretary at any meeting, the board may appoint a president or secretary pro tempore, and vacancies in the offices of president or secretary may be filled by the board for the unexpired term. Notice of the time and place of meeting shall be given to every member of the board.

§ 1574. Admission of pay cadets.—The board of visitors shall prescribe the terms upon which cadets may be admitted, their number, the course of their instruction, the nature of their service, and the duration thereof.

§ 1581. How the degree of graduate is conferred.—The governor and the board of visitors and faculty of the institute may confer the degree of graduate upon any cadet found qualified to receive it, after examination upon such of the branches of the arts and sciences and of literature taught at the institute as the board may deem requisite.

§ 1582. State cadets to act as teachers.—Every cadet received on State account, and who shall have remained in the institute during the period of two years or more, shall act in the capacity of teacher in some school in this State for two years after leaving the institute, and such cadet shall be required to discharge said obligation as teacher within the three years immediately after leaving the institution, and said cadet shall report in writing to the superintendent of the institute on or before the first day of June of each year succeeding the date of his leaving the institution until he shall have discharged fully said obligation to the Commonwealth; and every cadet so received on State account in said institute on reporting for duty and matriculating shall be required to enter into a bond, payable to the Virginia Military Institute, in a sum sufficient to cover the board and tuition that may be expended in his behalf as such State cadet; and unless the said cadet shall fulfill his said obligation as aforesaid, he shall be deemed to have violated his contract, and authority is hereby given to the institution to proceed by law for the collection from said cadet of such amount as may be necessary to cover so much of his board and tuition as may proportionately be due from his failure to teach the whole or any part of the said two years; and no cadet executing such bond shall be permitted to plead infancy or the statute of limitation in bar of recovery of such debt: provided, the board of visitors may excuse said cadet from teaching in such cases as they may deem right and proper: and provided further, if said cadet shall teach two years in any public school of this Commonwealth for the term prescribed for any year by the legal authority of public schools he shall be deemed to have fulfilled his obligation to the State imposed by this section.

2. Be it further enacted, That sections fifteen hundred and sixty-nine, fifteen hundred and seventy-six, fifteen hundred and seventy-nine,

and fifteen hundred and eighty, of the Code of Virginia, as amended by act approved May sixteenth, nineteen hundred and three, be, and the same are hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 414.—An ACT to amend and re-enact sections 3086, 3093, and 3095 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty hundred and eighty-six, thirty hundred and ninety-three, and thirty hundred and ninety-five of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3086. Jurisdiction of writs of mandamus and prohibition.—The said supreme court, besides having jurisdiction of all such matters as are now pending therein, shall have jurisdiction to issue writs of mandamus and prohibition to the circuit and city courts, and to the State corporation commission, and in all other cases where such writs, respectively, would lie according to the principles of the common law: provided, that no writ of mandamus, prohibition, or any other summary process whatever, shall issue in any case of the collection of revenue, or attempt to collect the same, or to compel the collecting officers to receive anything in payment of taxes except gold or silver coin, United States treasury notes, or national bank notes, or in any case arising out of the collection of revenue in which the applicant for the writ or process has any other remedy adequate for the protection and enforcement of his individual right, claim, and demand, if just.

§ 3093. Transfer of cases from one place to another; orders and decrees, where made; how certified.—By consent of parties, or their counsel, or for reasons appearing to the court, any cause pending in said court at one place of session may be transferred to another place of session, there to be heard and determined.

The court at any place of session may enter any order or decree in a cause docketed at any other place of session which it could enter if in session at that place. When any such order or decree is made the court shall have the same certified by the clerk at the place where it is then sitting to the clerk at the place where the cause is docketed, to be by him entered in the proper order book of the court. All orders and decrees so made and entered shall have the same force and effect as if made and entered in term.

§ 3095. Special court of appeals; when and how formed; where held; and how judges appointed to fill vacancies under section eighty-eight of the Constitution.—If at any time there shall be on the docket of the supreme court of appeals a case in which a majority of the judges of the said court are so situated as to make it improper for them to sit on the hearing thereof, or if the court should be so situated in the re-hearing of a case involving a constitutional question, according to the provisions

of section eighty-eight of the Constitution, that a full court cannot be secured, on account of any one or more of the judges being unable, unwilling, or disqualified to sit, the fact shall be entered of record. The said court may thereupon have summoned from among the judges of the circuit courts, or judges of the city courts of record of cities of the first class, as many as, with the judges of the supreme court of appeals not so situated, will make the number five, who shall together form and hold a special court of appeals to hear and determine any case in which a majority of the judges of the supreme court of appeals shall be so situated as to make it improper for them to sit, or to hear any case involving a constitutional question under section eighty-eight of the Constitution, in which one or more of the judges of the said court shall be so disqualified, and upon which said question a majority of the court shall not agree. The said special court shall be held at Richmond, Wytheville, or Staunton, as the case may be.

2. This act shall be in force from its passage.

CHAP. 415.—An ACT to amend section 3382 of chapter 166 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and eighty-two of chapter one hundred and sixty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3382. Trial of issues, or inquiry of damages, by jury in other cases; province of court at trial.—The circuit court of any county and the circuit, corporation, hustings or other court of any corporation may, in any other case before it, have an issue tried or an inquiry of damages made, by a jury, and determine all questions concerning the legality of evidence and other matters of law which may arise.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 416.—An ACT to amend and re-enact sections 3203 and 3204 of chapter 155 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-two hundred and three and thirty-two hundred and four of chapter one hundred and fifty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3203. Who may require his opinion and advice.—The attorney-general shall give his opinion and advice, in writing, when required to do so by the governor, or by the State corporation commission, or by any of the public boards and officers at the seat of government.

§ 3204. In what courts, counsel for State.—He shall appear as counsel for the State in all cases in which the Commonwealth is interested, depending in the supreme court of appeals, the supreme court of the United States, the district and circuit courts of the United States for the State of Virginia, and the circuit court of the city of Richmond; and shall also, when requested by the State corporation commission, appear as counsel in any matter or proceeding pending before the said commission as a court of record; and he shall discharge such other duties as may be imposed by the general assembly.

2. This act shall be in force from its passage.

CHAP. 417.—An ACT to amend and re-enact section 448 as amended by an act approved February 25, 1892, and by an act approved January 22, 1894, and by an act approved May 20, 1903; section 457 as amended by an act approved January 22, 1894; section 459 as amended by an act approved February 9, 1898; section 492 as amended by an act approved February 24, 1898; section 498 as amended by an act approved January 8, 1898; sections 400, 462, 487, 488, 491, 503, 521, 524, 527, 528, and 532, and to repeal section 472 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That section four hundred and forty-eight, as amended by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved January twenty-second, eighteen hundred and ninety-four, and by an act approved May twentieth, nineteen hundred and three; section four hundred and fifty-seven, as amended by an act approved January twenty-second, eighteen hundred and ninety-four; section four hundred and fifty-nine, as amended by an act approved February ninth, eighteen hundred and ninety-eight; section four hundred and ninety-two, as amended by an act approved February twenty-fourth, eighteen hundred and ninety-eight; section four hundred and ninety-eight, as amended by an act approved January eighth, eighteen hundred and ninety-eight; sections four hundred and sixty, four hundred and sixty-two, four hundred and eighty-seven, four hundred and eighty-eight, four hundred and ninety-one, five hundred and three, five hundred and twenty-one, five hundred and twenty-four, five hundred and twenty-seven, five hundred and twenty-eight, and five hundred and thirty-two, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 448. Numbers of the commissioners of the revenue; when and how districts changed; voters in a city not to vote for commissioners of a county.—There shall be four commissioners of the revenue for each of the counties of Bedford, Franklin, and Pittsylvania; three for each of the counties of Carroll, Grayson, Halifax, Hanover, Patrick, Smyth, Tazewell, Campbell, and Lee; two for each of the counties of Accomac, Albemarle, Amherst, Bath, Botetourt, Brunswick, Buchanan, Buckingham, Charlotte, Chesterfield, Culpeper, Cumberland, Dickenson, Dinwiddie, Fairfax, Floyd, Frederick, Fluvanna, Henry, Henrico, Louisa, Lunenburg, Madison, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Nottoway, Orange, Prince William, Russell, Roanoke, Scott, Southamp-

ton, Spotsylvania, Sussex, Stafford, Washington, Wise, and Wythe; one for each magisterial district in the counties of Augusta, Fauquier, Loudoun, Rockbridge, Rockingham, Alleghany, Caroline, and Shenandoah; one for every other county now existing, or which may be hereafter created, and one for each city; but the voters residing within any city shall not vote for the commissioner of the revenue for the county within the limits of which such city lies. In those counties in which there may be more than one commissioner each shall be for a certain district, the bounds of which shall be as now laid off and established, but the circuit court of any of said counties may, prior to May first in any year, make any change in said districts which to it shall seem proper.

§ 457. What real estate exempt from taxation.—The following real estate, and no other, shall be exempt from taxation, State and local:

(a) Real estate directly or indirectly owned by the State, however held, and real estate lawfully owned and held by counties, cities, towns, or school districts used wholly and exclusively for county, city, town, or public school purposes.

(b) Buildings with land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such and so exclusively used, and public burying-grounds, and lots therein exclusively used for burial purposes and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations, together with such additional adjacent land owned by said churches, libraries, and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioned in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied and used by young men's christian associations and other similar religious

associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Real estate belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as mentioned in this chapter.

Nothing contained in this chapter shall be construed to exempt from taxation the property of any person, firm, association, or corporation who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit on account of death, sickness, or accident to any of its members or any other persons; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city, or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city, or town, and heretofore leased by it.

§ 459. Clerks to make out annually lists of deeds; what lists to contain.—The clerk of every circuit or city court shall annually, on or before the fifteenth of January, make out a list of all deeds for the partition or conveyance of land other than deeds of trust and mortgages made to secure the payment of debts, and shall also make out on a separate sheet at the same time a list of all deeds of trust and mortgages on land, as well as deeds of trust on personal property made to secure the payment of debts, which have been admitted to record in the clerk's office of such court within a year ending on the thirty-first day of December next preceding, which first-mentioned list shall state the date of the deed, when admitted to record, the names of grantors and grantees, the quantity of land conveyed, the specified value thereof, and a description of the same; and the last-mentioned list shall state the date of the deed of trust or mortgage, when admitted to record, the name of the grantor, the names of the creditors, and the amount of debt to each secured by the deed of trust or the mortgagee in the mortgage, and the amount of debt secured thereby and the property conveyed in such deed of trust or mortgage: provided, however, that copies of the list last mentioned shall only be furnished to the commissioners of the revenue as provided by section four hundred and sixty-one, and not to the auditor of public accounts, the object of said last-mentioned list being simply to give the

commissioners of the revenue the amount of debts secured so that the same may be listed for taxation in the manner provided by law.

§ 460. Clerks to make out lists of judgments for partition or recovery of lands, and of lands devised.—The clerk of every circuit or city court shall make out a list of all judgments and decrees for the partition or recovery of lands which have been rendered, and of all lands devised by wills, which have been recorded in such court within the same and next preceding year, which list shall state the date of the decree, the land which is the subject of the partition, and between whom, and in what proportion it is divided, and the date of the will containing the devise, when admitted to record, the names of the devisor and devisee, and a description of the land devised.

§ 462. Register of land office to furnish to auditor and commissioners abstracts of grants.—An abstract shall be made out by the register of the land office on or before the fifteenth day of January of each year, or as soon thereafter as practicable, for the auditor of public accounts, and for each county or corporation, of all grants issued for lands therein from his office within the year ending the thirty-first day of December next preceding. The register shall transmit every such abstract, other than that for the auditor, to the commissioner of the revenue for the proper county or corporation; and where, in any county, there are more commissioners than one, the register shall transmit a copy of the abstract for such county to the clerk of the circuit court for each commissioner therein. The same shall be directed to the proper courthouse and mailed within one month after the expiration of the said year; and the register shall pay the postage and receive credit therefor in his settlement with the auditor.

§ 487. Personal property book; what to be entered therein.—All male persons over twenty-one years of age, not pensioned by this State for military service, all personal estate within this Commonwealth, and the moneys and credits of persons residing therein, whether such moneys and credits, as distinguished from other personal estate and as defined in section four hundred and eighty-nine, be in or out of this Commonwealth (except such personal estate, moneys, and credits as are expressly exempted by law, or are otherwise taxed) shall be entered on the commissioner's personal property book, and shall be subject to such taxation as may be provided by law.

§ 488. What personal property is exempt from taxation.—The following personal property and no other shall be exempt from taxation, State and local:

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

(b) The furniture and furnishings of buildings, lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship or for the residence of the ministers of any such church or religious body.

(c) The furniture, furnishings, books, and instruments contained in buildings wholly devoted to educational purposes, belonging to, and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; and also the permanent endowment funds held by such libraries and educational institutions, directly or in trust and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioned in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(d) Personal property, including endowment funds, not invested in real estate, belonging to young men's christian associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

(e) The furniture and furnishings of buildings belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association.

(f) Personal property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

§ 491. What persons and property to be listed for taxation; how beginners in business assessed; taxpayers to give in lists and make oath thereto; how assessment made when a person refuses to furnish list.—The commissioner shall ascertain and assess all the personal property not exempt from taxation, and all subjects of taxation in his county, district, or city on the said first day of February in each year, and also all male persons of full age and of sound mind residing therein, except those pensioned by this State for military service; and herein shall be included all persons and property removed from one county, district, or city to another between the first day of February and the day on which the commissioner may deliver his books to the officer charged with the collection of taxes; but persons or property assessed in one county, district, or city shall not be assessed in any other for that year: provided, that any person beginning any trade or business after the first day of February of any year shall be assessed from the date of beginning upon the capital used or intended to be used by him in carrying on such trade or business, the same to be ascertained as hereinafter provided, and the tax thereon shall bear such proportion to the whole annual tax as the space of time between the assessment of the same and the first day of February bears to a full year: provided, further, that the money invested in said business shall not be twice taxed as capital for the same year in the

same county or city. It shall be his duty to call on every person in his county, district, or city to furnish a list of such property, money, credits, or other subject of taxation as required by law, and the value thereof. Upon neglect or refusal to give such list, the commissioner, in order to obtain the same, may apply to any officer of this State, or to any officer or agent of a company or firm, or to any person having knowledge thereof or interested therein, to furnish any information such person may have relating thereto. It shall be the duty of the commissioner, in all cases, to administer an oath to any such person to make true answers to such questions as he may ask in relation to any matter about which he is authorized to inquire; and if the same be the person assessed with taxes on the property, the oath shall be as prescribed in section four hundred and ninety-four. A commissioner failing to administer the oath required shall forfeit fifty dollars.

§ 492. By whom property is to be listed; to whom taxed.—If property be owned by a person sui juris, it shall be listed by and taxed to him. If property be owned by a minor, it shall be listed by and taxed to his guardian or trustee, if any he has; if he has no guardian or trustee, it shall be listed by and taxed to his father, if any he has; if he has no father, then it shall be listed by and taxed to his mother, if any he has; and if he has neither guardian or trustee, father nor mother, it shall be listed by and taxed to the person in possession. If the property is the separate property of a person over twenty-one years of age or a married woman, it shall be listed by and taxed to the trustee, if any they have; and if they have no trustee, it shall be listed by and taxed to themselves. In either case it shall be listed and taxed in the county or corporation where they reside; but if they be non-residents of Virginia the said property shall be listed and taxed in the county or corporation wherein such trustee resides. If the property be the estate of a deceased person, it shall be listed by the personal representative or person in possession and taxed to the estate of such deceased person. If the property be owned by an idiot or lunatic, it shall be listed by and taxed to his committee, if any; if none has been appointed, then such property shall be listed by and taxed to the person in possession. If the property is held in trust for the benefit of another, it shall be listed by and taxed to the trustee in the county of his residence (except as hereinbefore provided): provided, that all farming implements, live stock, and other personal property on a farm shall be listed and taxed in the county where such farm is located, and not elsewhere. If the property belong to a company or firm, it shall be listed by and taxed to the company or firm. If the property belong to a corporation, which property is not otherwise taxed, it shall be listed to the corporation by the principal accounting officer and at the principal place of business of such corporation; but if not so listed it shall be listed and taxed in the place where the property is. If the property consists of money, bonds, or other evidences of debt under the control or in the possession of a receiver or a commissioner, it shall be listed by and taxed to such receiver or commissioner, and the clerk of each court shall furnish the commissioner of the revenue with all bonds and funds held by the commissioners or receivers under the authority of the court. If the property consist of money or other thing deposited to the credit of any

suit and not in the hands of a receiver, it shall be listed by and taxed to the clerk of the court in which the suit is, and such clerk shall, upon the order of his court, made in term or vacation, withdraw from such deposit the amount of such tax: provided, that funds, credits, or estate in the hands of receiver of a court, or deposited to the credit of a suit, to await adjudication and disbursement upon debts reported in suits or proceedings pending in such court shall not be listed for taxation. If the property consists of money, bonds, stock, or other evidences of public or private debts in any county or city other than that of his residence or State other than Virginia, it shall be listed by and taxed to the owner thereof; and it shall be the duty of the respective examiners of records of the said judicial circuits, where the respective fiduciaries are appointed or qualified, to report to the respective commissioners of the revenue of the counties or corporation in which said property is liable for taxation, all property held by said fiduciaries to be taxed as provided by law. If the property be listed by and taxed to any person other than the owner, it shall not be delivered to the owner until the taxes thereon are paid or indemnity given to the person in possession for the payment thereof.

§ 498. Taxpayer fined if he refuses to exhibit property; commissioner if he take answers not sworn to.—If any person refuse to exhibit to the commissioner or to his duly qualified deputies any property mentioned in the answers to the interrogatories or required by this chapter to be taxed in order that a fair valuation thereof may be assessed, he shall pay a fine of not less than twenty nor more than one hundred dollars. No commissioner or any one of his deputies shall receive any answers as a sufficient return of personal property unless the same be sworn to according to law, under a penalty of five hundred dollars.

And upon complaint to the judge of the circuit or corporation court of the county or corporation, supported by the sworn affidavit of two or more reputable taxpayers, it shall appear to the satisfaction of the court that the commissioner of the revenue of such county or corporation, or any of his deputies, has not complied with the requirements of this and the four preceding sections of this act, or any of them, the judge shall forthwith remove such delinquent commissioner or deputy, and appoint his successor.

§ 503. Proceedings against persons rendering false lists.—If any person knowingly render a false list of personal property, choses in action, moneys, credits, capital, income, salary, or other subject of taxation, and swear to such list, it shall be the duty of the attorney for the Commonwealth, upon his own knowledge, or upon information furnished him by any revenue officer of the State, or any other person under oath, to file a petition in the circuit court of the county or corporation court of the city wherein the list was taken, setting forth the total or partial omissions in his list of subjects of taxation, or the false values annexed to any of said subjects, and asking the court to summon the person or persons giving the list to answer the petition. Upon the summons being duly executed, the court shall impanel a jury to try the allegations of the petition; and if a verdict be rendered establishing a false list, the court shall render judgment against the accused for double the amount of taxes imposed upon the property so omitted, together with the costs of

the proceedings, including a fee of five dollars to the Commonwealth's attorney; and the court shall, moreover, direct the treasurer of the county or city, upon ten days' notice, to sell for cash the said property, or so much thereof as may be necessary to satisfy the judgment aforesaid, with a commission to said treasurer of five per centum upon the amount thereof; and it shall be the duty of said treasurer to make report of the sale to the court, and within twenty days from such sale to pay the taxes so collected into the treasury of the State and to pay the costs to the persons respectively entitled thereto; and any Commonwealth's attorney failing to perform the duties required of him by this section shall be fined not exceeding one hundred dollars. The clerk shall transmit a copy of the report to the auditor of public accounts, who shall charge the treasurer with the amount shown thereby to be due the Commonwealth.

§ 521. Compensation to clerk.—The circuit court of the county or corporation court of the corporation shall make an allowance to the clerk for his services in making the examination of the land and property books required by this chapter, which shall be paid out of the treasury. Where there is only one commissioner the allowance shall not exceed fifteen dollars a year; where there are two, it shall not exceed twenty-five dollars a year, and where there are three or more, it shall not exceed thirty-five dollars a year; and for the failure of the clerk to perform any duty required of him by either of the eight preceding sections he shall forfeit one hundred dollars.

§ 524. Fees of commissioners.—Each commissioner shall be entitled to the following fees: For making an entry or assessment under section four hundred and sixty-eight of any parcel of land, one dollar for every such parcel, to be paid by the owner; for making an assessment when required by any owner of any part of the land under section four hundred and seventy-one, one dollar and seventy-five cents; the parties among whom the land is divided shall be jointly and severally liable, except where the commissioner's proceedings are confirmed by the court, in which case the party complaining shall pay the commissioner's fee, in addition to the cost incurred in consequence of the application to the court; for making an entry transferring to one person lands before charged to another, one dollar, which shall be charged to the person to whom the transfer is made, and be a compensation for all tracts in the commissioner's county, district, or city conveyed by the same deed; for an entry of land according to sections four hundred and seventy-five and four hundred and seventy-eight, one dollar, which shall be charged to the person for whom the entry is made.

The said fees shall be in full for said services, whether the same be for the benefit of the State or for the cities, counties, or towns of the State, and no city, town, or county shall pass any resolution or ordinance authorizing any commissioner to charge any other or additional compensation for these or similar services under any by-law or ordinance of such city or town, or resolution or order of such county.

§ 527. Postage advanced to be refunded.—The auditor shall also pay to the several commissioners all postage advanced by them in the trans-

mission of their books or any correspondence touching the duties of their office.

§ 528. When compensation withheld.—The compensation allowed to a commissioner shall not be paid unless he has punctually performed his duties in reference to the assessment of property and licenses, and has made all reports required within the time prescribed by law, or can show to the satisfaction of the auditor a sufficient reason for his delay. In every such case the auditor may settle with such commissioner for his services upon equitable principles.

§ 532. Commissioner to furnish lists of violations of revenue laws for inquiry by grand juries; if no violation, to make sworn statement of the fact; pay withheld until these duties performed.—It shall be the duty of every commissioner and deputy commissioner to file with the clerk of the circuit court of the county, or corporation court of the city, ten days prior to the impaneling of a regular grand jury for such county or corporation, a list of all violations of the revenue laws committed by persons other than himself, showing the nature and character of each violation, together with a list of the witnesses by whom it is expected to prove the offense. And it shall be the duty of the clerk forthwith, upon receipt of such list, to summon to appear before the next grand jury to testify on behalf of the Commonwealth the witnesses named in such list, and to deliver to the attorney for the Commonwealth for such court a copy of such list, and he shall also, on the first day of the term of the court, deliver such list to the judge of the court, whose duty it shall be to give specially in charge to the grand jury all the violations of the revenue laws mentioned in such lists. In case no violation shall have been discovered by said commissioner, or otherwise come to his knowledge, it shall be the duty of the commissioner to furnish a statement of the fact, verified by affidavit, to the court of the county or corporation at which a regular grand jury is to be impaneled. And the auditor of public accounts shall not issue his warrant for the compensation due any commissioner until such commissioner shall furnish a certificate from the court of his county or corporation that he has complied with the requirements of this section. It shall be the duty of the circuit court of each county and corporation court of each city specially to charge the grand juries to inquire into all violations of the revenue laws of this State by the commissioners of the revenue thereof.

2. That section four hundred and seventy-two of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 418.—An ACT to amend and re-enact sections 812, 813, 814, 815, 817, 818, 819, 820, 821, 822, and 824 of the Code of Virginia.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and twelve, eighteen hundred and thirteen, eighteen hun-

dred and fourteen, eight hundred and fifteen, eight hundred and seventeen, eight hundred and eighteen, eighteen hundred and nineteen, eight hundred and twenty, eight hundred and twenty-one, eight hundred and twenty-two, and eight hundred and twenty-four of the Code of Virginia as previously amended, be amended and re-enacted so as to read as follows:

§ 812. When and how officers qualify.—Every county and district officer elected by the people, every city and town officer, unless otherwise provided by law, and every county surveyor and superintendent of the poor appointed for a term shall, on or before the day on which his term of office begins, qualify by taking the oath prescribed by section one hundred and sixty-eight, and the oath prescribed by section one hundred and sixty-nine, or section one hundred and seventy, as may be proper, and give the bond, if any, required by law, before the circuit court of the county or corporation court of the corporation, having jurisdiction in the county, district, town, or city for which he is elected or appointed, or before the judge of the circuit or corporation court of said county or corporation in vacation, or before the clerk of the circuit or corporation court of such county or city in his office. When the officer qualifies and gives the bond before a judge in vacation the judge shall certify the fact, and the bond and certificate shall be returned to the clerk of said circuit or corporation court, and the certificate shall be entered by him in the order book of the said court on the law side thereof, and such bond, and also any bond given before the court, shall be recorded by the clerk. When the officer qualifies and gives bond before such clerk in his office, said clerk shall enter the fact of such qualification in the order book of said court, on the law side thereof, and record the bond: provided, the clerk of the chancery court of the city of Richmond, the clerk of the law and equity court of said city, and the clerk of the court of law and chancery of the city of Norfolk may qualify and give bond before the court of which he is clerk, or if he qualify and give bond before the judge in vacation, as hereinbefore provided, his bond and certificate of qualification shall be returned to and recorded in said court.

§ 813. When office deemed vacant.—If any such officer fail to qualify and give bond, as required by the preceding section, on or before the day on which his term begins, his office shall be deemed vacant.

§ 814. Bonds of officers.—Every county treasurer, the sheriff of a county, county clerk, every clerk of a city court, every clerk of a circuit court, and every commissioner of the revenue, superintendent of the poor, county surveyor or supervisor, constable, and overseer of the poor, shall, at the time he qualifies, give such bond as is required by section one hundred and seventy-seven. The penalty of the bond of each officer, to be determined within the limits herein prescribed, by the court, judge, or clerk before whom he qualifies, shall be as follows: Of the bond of the county treasurer, not greater than the amount to be received annually by him, nor less than seventy-five per centum thereof; of the bond of a sheriff of a county, not less than five thousand nor more than thirty thousand dollars; of the bond of the county clerk or clerk of a city or circuit court, not less than three thousand dollars, and the bond of such clerk shall bind him and his sureties not only for the faithful discharge

of his duties as clerk of said court, but also for the faithful discharge of such other duties as may be imposed upon him by law, in like manner and with the same effect as if it was so expressed in the conditions of his said bond; of the bond of the commissioner of the revenue, three thousand dollars; of the bond of the superintendent of the poor, not less than four thousand dollars; of the bond of a county surveyor, not less than two thousand dollars; of the bond of a supervisor, not less than one thousand nor more than two thousand five hundred dollars; of the bond of a constable, not less than five hundred dollars; of the bond of an overseer of the poor, double the amount that will actually pass through his hands as such overseer, not less in any case than five hundred dollars: provided, however, that every such treasurer, sheriff, and clerk shall give as surety on his bond some guaranty or security company doing business in this State, and deemed sufficient by the court, judge, or clerk before whom he qualifies, the form of said bond to be prescribed by the attorney-general, and such blank forms shall be furnished by the auditor of public accounts to the clerks of the several courts, but nothing herein contained shall be construed as requiring or authorizing the Commonwealth or any county or city in the State to pay the cost of said security: and provided, further, that nothing contained in this section shall apply to the penalty of the bond of the treasurer of Rockbridge county as fixed by an act of the general assembly, approved February twenty-eighth, eighteen hundred and ninety-six: provided, further, that no guaranty company doing business in this State shall charge a greater rate of premium on the bond given under this section than they do on bonds of like character of employees and officials generally: and provided, further, that if no guaranty company doing business in this State shall agree to furnish such bond for such rate of premium, then such official shall give such security as may be approved by the circuit court, the judge thereof in vacation, or the clerk of said court, as the case may be, in the penalty of not less than double the amount to be annually received by him.

§ 815. Bonds required of city treasurers.—Every city treasurer, at the time he qualifies, shall, in addition to any bond required of him by his city under its charter and ordinances, give a bond, with sufficient surety, in a penalty not greater than the amount of the State revenue to be received annually by him, nor less than seventy-five per centum thereof, payable to the Commonwealth, and with condition for the faithful discharge of his official duties in relation to the State revenue, and of such other official duties as are imposed upon him by law otherwise than by the charter and ordinances of his city: provided, that the penalty of the bond of the treasurer of the city of Richmond shall be two hundred thousand dollars, the penalty of the bond of the treasurer of the city of Norfolk shall be two hundred thousand dollars, the penalty of the bond of the treasurer of the city of Petersburg shall be seventy-five thousand dollars, and the penalty of the bond of the treasurer of the city of Lynchburg shall be forty thousand dollars, as provided by acts of assembly, eighteen hundred and eighty-seven-'eight, chapter four hundred and one, and subject to the provisions therein contained: and provided, that every such treasurer shall give as surety on his bond some guaranty or security company doing business in this State, and deemed sufficient by the court

or judge before whom he qualifies, the form of said bond to be prescribed by the attorney-general, and such blank forms shall be furnished by the auditor of public accounts to the clerks of the several courts, but nothing herein contained shall be construed as requiring or authorizing the Commonwealth to pay the cost of said security: provided, further, that no guaranty company doing business in this State shall charge a greater rate of premium on the bonds given under this section than they do on bonds of like character of employees and officials generally: and provided, further, that if no guaranty company doing business in this State shall agree to furnish such bond for such rate of premium, then such official shall give such security as may be approved by the corporation or hustings court of his city in the penalty of not less than double the amount to be annually received by him.

§ 817. Appointment of deputies; their powers; how removed.—The treasurer of any county or city, the sheriff of any county, the sheriff or sergeant of any city, any commissioner of the revenue, and any county surveyor, with the consent of the circuit court of his county or corporation court of his corporation, any county clerk, the clerk of any circuit or city court, with the consent of the court of which he is clerk, or in any case with the consent of the judge of the court in vacation (the said consent in vacation being given in writing), may appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law. The order of appointment shall be entered on the minute book of such court, whether made in term time or in vacation. Any such deputy, before entering upon the duties of his office, shall take and subscribe the oath now provided for county officers, which oaths shall be filed with the clerk of the court by whose assent he has been appointed, and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office either by his principal or by the court, or by the judge in vacation.

§ 818. Certain officers not to hold more than one office.—No person holding the office of county treasurer, sheriff, attorney for the Commonwealth, county clerk, commissioner of the revenue, superintendent of the poor, county surveyor, or supervisor, shall hold more than one of these offices at the same time; and if any person shall be elected or appointed to two or more of such offices, his qualification in one of them shall be a bar to his right to qualification in any of the others.

§ 819. Where officers shall reside.—Every district officer shall, at the time of his election or appointment, have resided in the district for which he is elected or appointed thirty days next preceding his election or appointment: provided, that when the county courthouse is located within an incorporated town, residence in such town shall, for the purposes of this section, be deemed to be a residence in the district, a part of which is a part of such town; every county officer shall, at the time of his election or appointment, have resided one year next preceding his election or appointment, either in the county for which he is elected or appointed, or in the city wherein the courthouse of said county is: provided, that if no practicing lawyer, who has resided in the county or in such city for

the period aforesaid, offer for election or appointment, it shall be lawful to elect or appoint as attorney for the Commonwealth for such county a non-resident, or one who has not resided in the county, or in such city, for the period above mentioned. Every city officer shall, at the time of his election or appointment, have resided one year next preceding his election or appointment in such city, and every town officer shall, at the time of his election or appointment, have resided for thirty days in the town next preceding such election or appointment.

§ 820. Removal therefrom vacates office.—If any officer, required by the preceding section to be a resident, at the time of his election or appointment, of the county, corporation, or district for which he is elected or appointed, or of the city wherein the courthouse of such county is, remove therefrom, except from the said county to such city, or from such city to the county, his office shall be deemed vacant.

§ 821. Removal of officer from office; proceedings therefor.—The circuit courts of counties and the corporation courts of corporations shall have power to remove from office all county, city, and district officers elected or appointed for their respective counties, cities, and districts, for malfeasance, misfeasance, incompetency, or gross neglect of official duty: provided, however, that such power to remove the clerk of a court shall be vested only in the court of which he is clerk: provided, further, that nothing in this section shall be construed to interfere with any power vested in the mayor of any city by section one hundred and twenty, article eight, of the Constitution of the State, or to repeal any provision of the charter of any city, or any ordinance in pursuance of such charter, for the removal of any of its officers. All proceedings under this section shall be by order of, or on motion before, the proper court upon reasonable notice to the officer to be affected thereby; and such officer shall have the right to demand a trial by jury, except in cases where the officer is an appointee.

§ 822. Supervisors, and so forth, forbidden to have interest in contracts with, or claims against, their counties.—No supervisor, superintendent of the poor, or overseer of the poor, constable, special police, or any paid officer of the county, shall become interested, directly or indirectly, in any contract, or in the profits of any contract, made by or with any officer, agent, commissioner, or person acting on behalf of the supervisors or superintendent of the poor of the county, or any overseer of the poor therein, or in the sale or furnishing of supplies or materials to such county, and shall not become interested, directly or indirectly, in any contract, or in the profits of any contract, made by or with any officer, agent, commissioner, trustee, or overseer for working and keeping in repair the public roads of the county.

And no supervisor shall, except by descent or devise, marriage, or as a personal representative, committee of an insane person, or guardian, become interested, directly or indirectly, in any claim against his county, whether the same shall have been passed upon by the board of supervisors or not. The amount embraced by any such contract, the value of any such supplies or materials, and the amount of any such claim shall never be paid; or, if paid, may be recovered back, with interest, by the county,

in the circuit court of the county, by action or motion, within two years from the time of payment.

§ 824. Title to real estate for public uses to be approved by circuit court; appeal.—Whenever it shall be necessary for any county, district school trustees, or other public officers of the county, having authority for the purpose, to purchase real estate, or acquire title thereto for public uses, the contract therefor shall be in writing, and the evidence of title be submitted to the circuit court, or to the judge thereof in vacation, for approval, which approval shall be entered of record by the clerk of the court. No such contract shall be valid unless and until the title to such real estate be thus approved; and if the court or judge refuse to approve the same, the disapproval shall be recorded in like manner. The supervisors of the county, or any five citizens thereof, may, by motion, appeal of right from the decision of the court or judge to the supreme court of appeals.

2. This act shall be in force from its passage.

CHAP. 419.—An ACT to repeal section 1072, as amended by an act approved February 13, 1890, and by an act approved February 25, 1892, and by an act approved March 5, 1894; sections 1073, 1074, 1075 1076, 1077, and 1078; section 1079, as amended by an act approved March 29, 1902; sections 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, and 1088; section 1089 as amended by an act approved April 2, 1902; sections 1090 and 1091; section 1099, as amended by an act approved March 5, 1888; section 1100, section 1101 as amended by an act approved March 28, 1902, and by an act approved March 25, 1903, and section 1102 of chapter 46 of the Code of Virginia.

Became a law without the governor's signature December 11, 1903.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and seventy-two, as amended by an act approved February thirteenth, eighteen hundred and ninety, and by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved March fifth, eighteen hundred and ninety-four; sections ten hundred and seventy-three, ten hundred and seventy-four, ten hundred and seventy-five, ten hundred and seventy-six, ten hundred and seventy-seven, and ten hundred and seventy-eight; section ten hundred and seventy-nine, as amended by an act approved March twenty-ninth, nineteen hundred and two; sections ten hundred and eighty, ten hundred and eighty-one, ten hundred and eighty-two, ten hundred and eighty-three, ten hundred and eighty-four, ten hundred and eighty-five, ten hundred and eighty-six, ten hundred and eighty-seven, and ten hundred and eighty-eight; section ten hundred and eighty-nine, as amended by an act approved April second, nineteen hundred and two; sections ten hundred and ninety and ten hundred and ninety-one; section ten hundred and ninety-nine, as amended by an act approved March fifth, eighteen hundred and eighty-eight; section eleven hundred, section eleven hundred and one, as amended by an act approved March twenty-eighth, nineteen hundred and two, and by an act approved March twenty-fifth, nineteen

hundred and three, and section eleven hundred and two of chapter forty-six of the Code of Virginia, be, and the same are hereby, repealed.

2. Such repeal shall not affect or impair any act done or right established, accruing, accrued, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the passage of this act, under or by virtue of any provision of the Code or amendment thereof, or act of the general assembly, repealed by the preceding section, but the same may be asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the same had not been repealed. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of the Code, or amendment thereof, or act of the general assembly, repealed by the preceding section, and pending at the date of the passage and approval of this act, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law. Nothing in this act contained shall be construed to impair the charter of any corporation existing at the date of the passage and approval of this act, or any right or liability which any existing corporation, its officers, directors, stockholders, or creditors may have or be subject to, or which any corporation had or was subject to, at the date of the passage and approval of this act, by virtue of any provision of the Code, or amendment thereof, or act of the general assembly, repealed by the preceding section.

3. This act shall be in force from its passage.

CHAP. 420.—An ACT to limit the time in which warrants drawn by boards of supervisors, district school boards, and circuit courts shall be paid, and to repeal an act entitled "an act limiting the time in which warrants drawn by the supervisors, school boards, and county boards shall be paid," approved January 20, 1898.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That no warrant or order drawn on the county treasurer of any county by the board of supervisors, district school board, or circuit court shall be paid by said treasurer, unless said warrant or order be presented to be paid, and registered in a book, to be kept by the treasurer for that purpose, within two years from date of the drawing of the said warrant.

2. Be it further enacted, That an act entitled "an act limiting the time in which warrants drawn by the supervisors, school boards, and county boards shall be paid," approved January twentieth, eighteen hundred and ninety-eight, be, and the same is hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 421.—An ACT to provide for the payment of printing and publishing for the State corporation commission out of the general appropriation for public printing.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That all printing and publishing necessary for the State corporation commission shall be done by and through the public printer, according to law, on the order of the commission, and be paid for out of the general appropriation for public printing.

2. This act shall be in force from its passage.

CHAP. 422.—An ACT to amend and re-enact chapter 305, acts of assembly 1897-'8, entitled "an act to require the clerks of the county and corporation courts of this State to report to their respective courts a list of all fines reported by justices of the peace under section 718 of the Code of Virginia, what lists shall contain, and to require the auditor of public accounts to furnish blank forms upon which such lists shall be made," approved February 11, 1898.

Approved December 10, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter three hundred and five, acts of assembly, eighteen hundred and ninety-seven-'eight, entitled "an act to require the clerks of the county and corporation courts of this State to report to their respective courts a list of all fines reported by justices of the peace under section seven hundred and eighteen of the Code of Virginia, what lists shall contain, and to require the auditor of public accounts to furnish blank forms upon which such list shall be made," approved February eleven, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 1. The clerks of the circuit and corporation courts of this State be, and they are hereby, required to report to their respective courts on the first day of each term thereof a list of all fines reported by justices of the peace under section seven hundred and eighteen of the Code of Virginia for the month next preceding, which lists shall contain the names of the persons fined, the amount of fine, whether paid to the clerk or not, whether execution or capias pro fine has been issued therefor, and to what rules the process is returnable. And in cases where the executions have been returned unsatisfied the clerk shall report that fact also, so that the court may determine whether or not capias pro fine shall issue as provided by section seven hundred and twenty-seven of the Code of Virginia.

§ 2. It shall be the duty of the said courts to examine said lists and enter the fact of record that said lists have been returned, and order the same to be filed, and where said lists show that proper process has not been issued for said fines to order the clerk to issue the same in the manner now provided by law.

§ 3. It shall be the duty of the auditor of public accounts, as soon as practicable after the passage of this act, to make out and furnish to the several clerks proper forms upon which the lists required by section one

of this act shall be made. The said clerk shall, on the first day of the next succeeding circuit or corporation court, post in front of the courthouse such lists of all the fines so reported, with the names of the parties fined and the amount of each fine, and whether the same has been paid or not.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 423.—An ACT to repeal sections 1068 and 1069; section 1070, as amended by an act approved February 17, 1890; sections 1071 and 1103 of chapter 46 of the Code of Virginia.

Became a law without governor's signature December 11, 1903.

1. Be it enacted by the general assembly of Virginia, That sections ten hundred and sixty-eight and ten hundred and sixty-nine; section ten hundred and seventy, as amended by an act approved February seventeenth, eighteen hundred and ninety; sections ten hundred and seventy-one and eleven hundred and three of chapter forty-six of the Code of Virginia, be, and the same are hereby, repealed.

2. Such repeal shall not affect or impair any act done or right established, accruing, accrued, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the passage of this act, under or by virtue of any provision of the Code of Virginia, or amendment thereof, or act of the general assembly, repealed by the preceding section, but the same may be asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the same had not been repealed. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of the Code of Virginia, or amendment thereof, or act of the general assembly, repealed by the preceding section, and pending at the date of the passage and approval of this act, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law. Nothing in this act contained shall be construed to impair the charter of any corporation existing at the date of the passage and approval of this act, or any right or liability which any existing corporation, its officers, directors, stockholders, or creditors may have or be subject to, or which any corporation had or was subject to, at the date of the passage and approval of this act, by virtue of any provision of the Code of Virginia, or amendment thereof, or act of the general assembly, repealed by the preceding section.

3. This act shall be in force from its passage.

CHAP. 424.—An ACT to repeal section 1092, as amended by an act approved January 29, 1894; section 1093; section 1094, as amended by an act approved February 9, 1894; sections 1095, 1096, 1097, and 1098 of chapter 46 of the Code of Virginia.

Became a law without governor's signature December 11, 1903.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and ninety-two, as amended by an act approved January twenty-ninth, eighteen hundred and ninety-four; section ten hundred and ninety-three; section ten hundred and ninety-four, as amended by an act approved February ninth, eighteen hundred and ninety-four; sections ten hundred and ninety-five, ten hundred and ninety-six, ten hundred and ninety-seven, and ten hundred and ninety-eight of chapter forty-six of the Code of Virginia, be, and the same are hereby, repealed.

2. Such repeal shall not affect or impair any act done or right established, accruing, accrued, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the passage of this act, under or by virtue of any provision of the Code, or amendment thereof, or act of the general assembly, repealed by the preceding section, but the same may be asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the same had not been repealed. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of the Code of Virginia, or amendment thereof, or act of the general assembly, repealed by the preceding section, and pending at the date of the passage and approval of this act, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law. Nothing in this act contained shall be construed to impair the charter of any corporation existing at the date of the passage and approval of this act, or any right or liability which any existing corporation, its officers, directors, stockholders, or creditors may have or be subject to, or which any corporation had or was subject to, at the date of the passage and approval of this act, by virtue of any provision of the Code of Virginia, or amendment thereof, or act of the general assembly, repealed by the preceding section.

3. This act shall be in force from its passage.

CHAP. 425.—An ACT to amend and re-enact section 2274 of the Code of Virginia, relating to dower.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia. That section twenty-two hundred and seventy-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2274. What a widow entitled to until her dower is assigned.—Until her dower is assigned, the widow may hold, occupy, and enjoy the mansion house and curtilage without charge for rent, repairs, taxes, or in-

urance; and, in the meantime, she shall be entitled to demand of the heirs, devisees, or alienees, or any of them, one-third part of the issues and profits of the other real estate which descended or was devised or passed to them, of which she is dowable, after deducting the costs of necessary repairs, taxes, and insurance. If she be deprived of such mansion house and curtilage, she may, on complaint of unlawful entry or detainer, recover the possession thereof, with damages for the time she was so deprived: provided, that nothing in this act shall be construed to impair the lien or delay the enforcement thereof of the State, city, or county for the taxes assessed upon said property.

3. This act shall be in force from its passage.

CHAP. 426.—An ACT to amend and re-enact section 2179 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and seventy-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2179. Enforcement of forfeitures to be by information; who to file it; what to set forth; how verified.—If any property be seized as forfeited for a violation of any of the provisions of chapter ninety-five, chapter ninety-six, or chapter ninety-seven, and a different mode of enforcing the forfeiture is not therein prescribed, in order to enforce the same the Commonwealth's attorney for the county wherein or for any county adjacent to the waters in which the forfeiture was incurred, shall file in the clerk's office of the circuit court of his county an information in the name of the Commonwealth against said property by name or general designation. The information shall allege the seizure, and set forth in general terms the causes or grounds of forfeiture. It shall also pray that the property be condemned as forfeited to the Commonwealth and be sold, and the proceeds of sale disposed of according to law, and that all persons concerned in interest be cited to appear and show cause why the said property should not be condemned and sold to enforce the forfeiture. If the proceeding be instituted by an informer, he shall sign and swear to the information. The Commonwealth's attorney shall also sign it, but if the law on which the proceeding is based contains no provision as to informers, the signature of the Commonwealth's attorney shall alone be sufficient.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 427.—An ACT to amend and re-enact sections 2216, as amended by an act approved January 17, 1896; 2224, as amended by an act approved December 17, 1895; 2225, as amended by an act approved January 28, 1896; 2228, 2240, 2250, and to repeal section 2233 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-two hundred and sixteen, as amended by act approved January seventeenth, eighteen hundred and ninety-six; twenty-two hundred and twenty-four, as amended by act approved December seventeenth, eighteen hundred and ninety-five; twenty-two hundred and twenty-five, as amended by act approved January twenty-eighth, eighteen hundred and ninety-six; twenty-two hundred and twenty-eight, twenty-two hundred and forty, and twenty-two hundred and fifty of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2216. Marriage license; by whom issued.—Every license for a marriage shall be issued by the clerk of the circuit court of the county, or of the corporation or hustings court of the corporation in which the female to be married usually resides; and in case the latter is a non-resident of the State, then by the clerk of the circuit court of the county or of the corporation or hustings court of the corporation in which the marriage is to be solemnized; or, if the office of the clerk be vacant, or if from any cause the clerk is unable to issue the license, by the judge of the circuit court of such county, or the mayor of such corporation, who shall make return thereof to the clerk as soon as there may be one: provided, however, that when the residence of a female to be married is within the limits of a city, the license for such marriage shall be issued by the clerk of the corporation or hustings court of such city: provided, further, that all marriages of females residing within jurisdiction of a corporation or hustings court, which have been heretofore solemnized by virtue of a license issued by the clerk of the court of the county wherein a city was or is situated, shall be as valid as if such license were issued by the clerk of such corporation or hustings court.

§ 2224. Marriage within certain degrees prohibited.—No man shall marry his mother, grandmother, stepmother, sister, daughter, granddaughter, half-sister, aunt, son's widow, wife's daughter, or her granddaughter or step-daughter, brother's daughter, or sister's daughter. If any man have heretofore married his brother's widow, or the widow of his brother's or sister's son, or his uncle's widow, such marriage is hereby declared to be legal and valid, and exempt from the penalties prescribed by existing laws.

§ 2225. The same.—No woman shall marry her father, grandfather, step-father, brother, son, grandson, half-brother, uncle, daughter's husband, husband's son, or his grandson or step-son, brother's son, sister's son, or husband of her brother's or sister's daughters.

§ 2228. Register of marriages.—The county clerk of every county and the clerk of every corporation court shall keep a book, to be called the register of marriages.

§ 2240. Auditor to make abstracts of marriages for general assembly.—Such copies shall be filed and preserved in the said auditor's office,

and from them the auditor shall prepare annually an abstract of marriages in each county and corporation, and make a report upon said registrations to the general assembly at each regular session.

§ 2250. Penalty on clerks for neglect of duty.—If any clerk of a court or county clerk fail to perform any duty required of him under this chapter, he shall forfeit ten dollars for every such offense.

2. Be it further enacted, That section twenty-two hundred and thirty-three of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 428.—An ACT to repeal section 220 and to amend and re-enact section 221 and section 222 of the Code of Virginia, relating to power and duties of governor.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section two hundred and twenty of the Code of Virginia be hereby repealed, and that section two hundred and twenty-one and section two hundred and twenty-two of said Code be amended and re-enacted so as to read as follows:

§ 221. Officers of the State and its institutions to make reports to the governor.—The officers of the executive department at the seat of government and superintendents and boards of State institutions shall make to the governor in writing, under oath, reports at such times as may be prescribed by law, and they shall also make in writing, under oath, reports at any time that the governor may require upon any subject relating to their respective offices and institutions. The said reports shall be in such form and with such particulars as the governor may require. They shall be filed in the office of the secretary of the Commonwealth, and under his supervision summarized and recorded in proper books kept for the purpose.

§ 222. Governor may require production of records and vouchers and may inspect books, and so forth.—Whenever the governor deems it necessary and proper, he may require any such officer, superintendent, or board to appear before him, and he may also require the production of any official books, accounts, vouchers, and other papers relating to their offices and duties. For the proper inspection of such records, vouchers, and papers he may employ accountants.

2. This act shall be in force from its passage.

CHAP. 429.—An ACT to amend and re-enact section 2790 of the Code of Virginia of 1887, in relation to when and by whom distress made.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and ninety of the Code of Virginia, edition of

eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2790. When and by whom distress made.—Rent may be distrained for within five years from the time it becomes due, and not afterwards, whether the lease be ended or not. The distress shall be made by a constable, sheriff, or sergeant of the county or corporation wherein the premises yielding the rent, or some part thereof, may be, or the goods liable to distress may be found, under warrant from a justice or clerk of the circuit or corporation court, founded upon an affidavit of the person claiming the rent, or his agent, that the amount of money or other thing to be distrained for (to be specified in the affidavit), as he verily believes, is justly due to the claimant for rent reserved upon contract from the person of whom it is claimed.

2. This act shall be in force on and after February the first, nineteen hundred and four.

CHAP. 430.—An ACT to amend and re-enact section 2552 of the Code, in relation to how bastards take by inheritance, so as to prescribe in what cases the children of former slaves may take by inheritance.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and fifty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2552. When bastards take; when children of former slaves take.—Bastards shall be capable of inheriting and transmitting inheritance on the part of their mother as if lawfully begotten. And the children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabitated with as such, and their descendants, shall be as capable of inheriting any estate whereof such father may have died seized or possessed, or to which he was entitled, as though such children had been born in lawful wedlock.

2. This act shall be in force from its passage.

CHAP. 431.—An ACT to repeal an act approved March 2, 1888, entitled an act to authorize the clerks of the circuit courts to take acknowledgments to deeds and other writings, and to certify the same.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved March second, eighteen hundred and eighty-eight, entitled an act to authorize the clerks of circuit courts to take acknowledgments to deeds and other writings, and to certify the same, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 432.—An ACT to amend and re-enact sections 3068 and 3082, and to repeal section 3079 of the Code of Virginia, relating to courts of the city of Richmond.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty hundred and sixty-eight and thirty hundred and eighty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3068. Courts of the city of Richmond; their judges; how elected.—There shall be for the city of Richmond the following courts:

1. A hustings court;
2. A court of probate and record, to be called the chancery court of the city of Richmond;
3. The law and equity court of the city of Richmond;
4. The circuit court of the city of Richmond.

The hustings court, the chancery court, and the law and equity court shall be held by judges chosen by the joint vote of the two houses of the general assembly, who, when chosen, shall possess the same qualifications as judges of the supreme court of appeals, and shall, during their continuance in office, reside within the jurisdiction of the courts, respectively, over which they preside.

The circuit court of said city shall be held by the judge of the tenth circuit.

§ 3082. Clerks of said courts; how elected, and so forth; their fees; special compensation of clerk of hustings court.—There shall be a clerk of the said hustings court, of said chancery court, and of said law and equity court, each of whom shall be elected by the qualified voters of said city on Tuesday after the first Monday in November for terms of eight years. The terms of the said clerks now in office, or their successors, shall continue until the first day of February, nineteen hundred and seven; and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five, and every eight years thereafter. The terms of the clerks so elected shall begin on the first day of February of the second year following the year of their election. They shall each receive the same fees and emoluments that are allowed by law to clerks of circuit courts.

The clerk of said hustings court shall also receive out of the treasury of the city of Richmond, for his services to the public of said city, such sum as the judge may allow, not exceeding the sum of eighteen hundred dollars in one year, and he shall be allowed the sum of one thousand dollars a year for public services rendered the Commonwealth, payable in monthly instalments, from the public treasury out of any money not otherwise appropriated..

2. Be it further enacted, That section three thousand and seventy-nine of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 433.—An ACT to repeal section 3043; section 3044, as amended by an act approved March 3, 1896; section 3045, as amended by an act approved January 18, 1888; sections 3046, 3047, 3048, 3051, and 3052 of the Code of Virginia, and to amend and re-enact section 3049, as amended by an act approved May 20, 1903; section 3050; section 3053, as amended by an act approved January 18, 1888; section 3054, as amended by an act approved February 28, 1898, and section 3055 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section three thousand and forty-three; section three thousand and forty-four, as amended by an act approved March third, eighteen hundred and ninety-six; section three thousand and forty-five, as amended by an act approved January eighteenth, eighteen hundred and eighty-eight; sections three thousand and forty-six, three thousand and forty-seven, three thousand and forty-eight, three thousand and fifty-one, and three thousand and fifty-two of the Code of Virginia, be, and the same are hereby, repealed, and that section three thousand and forty-nine, as amended by an act approved May twentieth, nineteen hundred and three; section three thousand and fifty; section three thousand and fifty-three, as amended by an act approved January eighteenth, eighteen hundred and eighty-eight; section three thousand and fifty-four, as amended by an act approved February twenty-eighth, eighteen hundred and ninety-eight, and section three thousand and fifty-five of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 3049. When the judge of a circuit or city court fail, or is unable to hold same, what judge may do so; when governor may designate a judge to do so; compensation, and so forth.—If the judge of a circuit court, or of any city court, be unable or fail to attend a regular term of his court, or be prevented by sickness from sitting during the whole term, or any part thereof, he may procure a judge of a circuit court, or of some city court for a city of the first class, to hold the said court, either for the whole term, or any part thereof. If the judge of any circuit or city court is connected with the accused or party injured in any criminal case pending in his court, or if such judge is so situated as to render it improper, in his judgment, for him to decide any case or proceeding, or to preside at any trial, civil or criminal, pending therein, the fact shall be entered of record by the clerk of said court, and at once certified by him to the governor, who shall designate a judge of some circuit court or of some city court, for a city of the first class, to preside at the trial of such cause, or hold such term. If a vacancy shall occur from any cause in the office of a judge of a circuit or city court, that fact shall at once be certified by the clerk of such court to the governor, who, instead of appointing at once a successor, may designate a judge of some other circuit court, or of some city court, for a city of the first class, to hold the terms of the court in which such vacancy exists, and until the same shall have been filled in the mode prescribed by law. If any judge so designated shall be prevented by the duties of his own court, or by sickness, from deciding such case or proceeding, or from presiding at such trial, or holding the terms of such court in which a vacancy exists, he shall so inform the governor, who shall designate another such judge in his place. For any ser-

rice rendered by any such judge so designated under this section, and in all cases where he holds a court for a judge disabled by sickness, he shall receive the mileage provided by law and ten dollars per day for the time he is actually engaged in holding court, if he shall preside over a circuit court of a county, and mileage and ten dollars per day, if he shall preside over a circuit court in a city, or over a city court; such mileage and compensation to be paid out of the treasury of the county or city in which said court is held. But if a judge of a city court in cities of the first class, or the judge of the circuit court wherein such city is located, shall hold court for any other judge in his own city, he shall not receive any such mileage or compensation therefor. A judge so selected or designated shall have all the powers and be authorized to perform all the duties of the judge of such court.

§ 3050. Corporation courts; cities first and second classes.—For the purpose of a judicial system the following cities, which, as shown by the last United States census, or other census provided by law, contain ten thousand inhabitants or more, to-wit: Alexandria, Danville, Lynchburg, Manchester, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, and Roanoke, are hereby declared to be cities of the first class; and all other cities in the State are hereby declared to be cities of the second class.

The corporation or hustings courts heretofore established and now existing in each of the above named cities of the first class are hereby continued under the same name under which they had been previously known; and under such name shall be taken and deemed to be the corporation courts required by the Constitution to be established in said cities. The corporation or hustings courts heretofore established and now existing in each of the following named cities of the second class, to-wit: Charlottesville, Fredericksburg, Staunton, Winchester, Bristol, Radford, and Buena Vista, are hereby continued under the name of "the corporation court" of such city, and shall be so known and held until the same shall be abolished by a vote of the people of such city, as provided in the Constitution. Each of such courts shall be held by a judge with like qualifications, and elected in the same manner as judges of the supreme court of appeals.

The chancery court of the city of Richmond, the law and equity court of the city of Richmond, and the court of law and chancery in the city of Norfolk, as now existing, are hereby continued with the same jurisdiction and powers, and subject to all the requirements conferred by or contained in the several acts of the general assembly creating said courts, or which have been passed with reference thereto.

§ 3053. Terms of city and corporation courts.—For every corporation in which is established by law a corporation court, or other city court, there shall be held monthly terms of the said courts, unless otherwise expressly provided by law; but a judge of any such court may, in his discretion, omit the holding of the term for the month of July or the month of August in each year, as he may deem best.

§ 3054. Terms of said court; judges may change.—The term of all corporation or city courts shall commence on the days now fixed for the same; but the judge of every such court may, from time to time, change the day for the commencement of the terms thereof, or any of them. The

clerk of such court, within thirty days after such change, shall send a copy of the order making it to the clerk of the house of delegates, and, for the failure to do so, shall forfeit fifty dollars.

The judge of such court may designate four or more terms of such court for the trial of civil cases in which juries are required, and thereafter, until otherwise ordered, all cases cognizable in such court in which juries are required, except criminal cases, and cases of forcible entry and unlawful detainer, which may be tried at any term, shall be tried only at such terms as are so designated: provided, however, that the said court shall at any term hear and determine any action or motion *ex contractu* where the defendant does not appear and demand a trial by jury.

§ 3055. Jurisdiction of corporation and city courts.—The several corporation or hustings courts shall, within the territorial limits of the cities for which they are established, have the same jurisdiction which the circuit courts have in the counties for which they are established, and for the appointment of electoral boards, as provided by section thirty-one of the Constitution; and, concurrently with the circuit court, they shall also have jurisdiction over all offenses committed in any county within one mile of the corporate limits of such city; and such other jurisdiction as may be conferred on them by law; but the provisions of this section shall not apply to the courts of the city of Richmond, nor the law and chancery court of the city of Norfolk.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 434.—An ACT to amend and re-enact sections 5 and 8 of the charter of the city of Richmond, as amended and re-enacted by an act approved March 29, 1871, relating to the election of municipal officers.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections five and eight of the charter of the city of Richmond, as amended by an act approved March twenty-ninth, eighteen hundred and seventy-one, entitled "an act to amend and re-enact sections five and fourteen of an act entitled an act providing a charter for the city of Richmond, approved May twenty-fourth, eighteen hundred and seventy, as amended by an act approved July eleventh, eighteen hundred and seventy," be amended and re-ordained so as to read as follows:

§ 5. The mayor and members of the board of aldermen and of the common council of the city of Richmond shall be elected on the second Tuesday in June immediately preceding the expiration of the terms of office of their predecessors, and their terms of office shall begin on the first day of September succeeding; all other elective officers of the city of Richmond shall be elected on Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except the terms of office of the clerks of the corporation courts of the city of Richmond shall begin coincidently with those of the judges of their said courts. The term of the mayor and the terms of the board of

aldermen and of the common council now in office shall continue until September first, nineteen hundred and four. The term of office of the members of the board of aldermen and the term of the members of the common council shall be for two years: provided, that in the event of the adoption of any resolution or ordinance of the council or act of the general assembly of Virginia heretofore or hereafter passed changing the boundary of any ward or wards or establishing a new ward out of the territory of another ward or wards by reason of which any member of either branch of the city council, any fire commissioner, any police commissioner, any magistrate or any other city officer, who is required to reside in the ward from which he is elected, becomes a resident of a new ward or of some other ward than that from which he was elected, then, in that event, such officer shall continue in office to the end of the full term for which he was elected just as if there had been no change in the wards of the city, but the terms of office of all officers, whose residence is not changed by the creation of a new ward, or change of the boundaries of the old wards, shall not be affected, but such term or terms shall continue, expire, and be filled as if there had been no creation of new wards or change of boundaries of old wards.

§ 8. The mayor shall be elected by the qualified voters of the city of Richmond for a term of four years and until his successor shall be elected and qualify. His salary shall be fixed by the city council, payable at stated periods, and he shall receive no other compensation or emolument whatsoever; and no regulations diminishing such compensation, after it has been once fixed, shall be made to take effect until after the expiration of the term for which the mayor, then in office, shall have been elected. The salary of the mayor, when fixed, shall so continue until changed by the city council as aforesaid.

2. This act shall be in force from its passage.

CHAP. 435.—An ACT to amend and re-enact section 17 of an act entitled "an act to raise revenue," etc.

Approved, December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen of an act entitled "an act to raise revenue for support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution," approved April sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 17. No tax shall be assessed upon the capital of any bank or banking association organized under the authority of this State or of the United States, nor upon the capital of any trust or security company chartered by this State, but the stockholders in such banks, banking associations, trust and security companies shall be assessed and taxed on the market value of their shares of stock therein. Each bank, banking association, trust and security company aforesaid, on the first day of February in

each year, shall make up and return to the commissioner of the revenue of the county, city, town, or district in which said bank, banking association, trust or security company is located a report, in which shall be given the names of the stockholders, their residences, the number of shares owned or held or controlled by each, and the market value of said stock. From the total market value of the shares of stock of any such bank, banking association, trust or security company there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder: provided, that the market value of said stock shall be estimated at a sum not less than the aggregate of the capital, surplus, and undivided profits of each bank, banking association, trust and security company, as shown by its last published statement prior to the first of February of each year, after deducting from such aggregate the value of its real estate otherwise taxed in this State: provided, further, that where any such bank, banking association, trust and security company has, since its last published statement, and before the first day of February of any year, paid out to its stockholders the whole or any part of its undivided profits, the amount so paid out shall be deducted from the estimate of aggregate value of its stock.

2. This act shall be in force from its passage.

CHAP. 436.—An ACT to amend and re-enact section 2939, as amended by an act approved March 3, 1892; section 2956 and section 2957, as amended by an act approved March 1, 1894, of the Code of Virginia, and to repeal an act entitled "an act to provide that if the plaintiff in a warrant upon a contract of such nature that an action of assumpsit would lie on same shall have served with the warrant a copy of this account, verified by affidavit, he shall have judgment for the amount of the said account, unless the defendant shall deny under oath that the account is due; and if the defendant deny only a part of the account, he shall have judgment as to the residue, and the case be tried as to the part so denied," approved March 1, 1898; and also to repeal an act entitled "an act to provide how appeals from justice and warrants removed shall be tried, and how defects, omissions, and irregularities in the proceedings below may be corrected in the court to which the appeal is taken or the warrant removed," approved February 27, 1894.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and thirty-nine, as amended by an act approved March third, eighteen hundred and ninety-two; section twenty-nine hundred and fifty-six, and section twenty-nine hundred and fifty-seven, as amended by an act approved March first, eighteen hundred and ninety-four, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 2939. In what a justice has jurisdiction; when and how case removed to court; when tried.—Any claim to specific personal property, or to any debt, fine, or other money, or to damages for breach of any contract, or for any injury done to property, real and personal, which would be recoverable by action at law or suit in equity, shall, when the claim

is to a fine, if the amount of such claim does not exceed twenty dollars, and in all other cases, if the claim do not exceed one hundred dollars (exclusive of interest), be cognizable by a justice, even though the claim be for or against the city, town, or county in which such justice resides. In any case of a warrant for a judgment on any contract which is of such nature that under the rules of pleading an action of assumpsit would lie, if there shall be served on the defendant, along with the warrant, a copy of the account on which the warrant is brought, stating distinctly the several items of the claim, the aggregate amount thereof, the time from which interest is claimed, and the credits, if any, to which the defendant may be entitled, which account shall be verified by the affidavit of the plaintiff, or his agent, judgment shall be rendered by the justice in favor of the plaintiff for the amount, with interest, claimed in the said account, unless the defendant shall allege, on the affidavit of himself or his agent, that the plaintiff is not entitled, as the affiant verily believes, to recover anything from the defendant on such account; or state, on such oath, a sum certain less than that set forth in the account served with the warrant, which, as the affiant verily believes, is all that the plaintiff is entitled to recover from the defendant. If the defendant shall admit that the plaintiff is entitled to recover a sum certain less than the amount stated in the account served with the warrant, judgment may be taken by the plaintiff for the sum admitted to be due, and the case tried as to the residue in every case cognizable by a justice where the amount or thing in controversy exceeds the sum or value of twenty dollars, the justice shall, upon the application of the defendant, and upon affidavit that he has a substantial defense thereto, at any time before trial remove the cause, and all the papers thereof, to the circuit court of the county or to the corporation court of the corporation wherein the warrant has been brought, and the clerk of the said court shall forthwith docket the same, but it shall not be tried at any term except by consent of the parties, unless it shall have been so docketed ten days previous thereto. On such trial the proceedings shall conform to section thirty-two hundred and eleven. Civil cases or appeals from justices and warrants removed shall be tried according to the principles of law and equity, and where the same conflict the principles of equity shall prevail. No warrant shall be dismissed by reason of the mere defects, irregularities, or omissions in the proceedings before the justice, or in respect to the form of the warrant, where the same may be corrected by a proper order of the court; but the court to which the appeal is taken, or the warrant removed shall retain the same, with full power to direct all necessary amendments, to enter such orders and direct such proceedings as will tend to correct the defects, irregularities, and omissions aforesaid, to promote substantial justice to all parties, and to bring about a trial of the merits of the controversy. This statute shall be liberally construed, to the end that justice be not delayed or denied by reason of errors in the warrant or in the form of the proceedings; and the court may make such provision as to costs and continuances as may be just.

§ 2956. Where appeal cognizable.—When appeal is allowed from any order or judgment of a justice, it shall be cognizable by the circuit court for the county or the corporation court of the corporation in which the

order was made or judgment rendered, unless when the order is made or judgment rendered in a corporation, in a case involving the constitutionality or validity of an ordinance or by-law of said corporation, in which case it shall be cognizable by the circuit court having jurisdiction over said corporation.

§ 2957. How tried; judgment.—Every such appeal shall be tried by the court in a summary way, without pleadings in writing, or, if the amount in controversy exceed twenty dollars, by a jury, if either party requires it. All legal evidence produced by either party shall be heard, whether the same was produced or not before the justice from whose decision the appeal is taken, and the case shall be determined according to the principles of law and equity. If judgment be recovered by the appellee, execution shall issue against the principal and his surety, jointly or separately, for the amount of such judgment, including interest and costs, with damages on the aggregate at the rate of ten per centum per annum, from the date of that judgment until payment, and for the costs of the appeal; and the execution shall be endorsed: "No security is to be taken." If the decision be reversed, the party substantially prevailing shall cover his costs; and such order or judgment shall be made or given as ought to have been made or given by the justice. Where the appeal is from an order or judgment, under section twenty-nine hundred and fifty-four, the court shall give such judgment respecting the property, the expense of keeping it, and any injury done to it, as may be equitable among the parties.

2. Be it further enacted, That an act entitled "an act to provide that if the plaintiff in a warrant upon a contract of such nature that an action of assumpsit would lie on same shall have served with the warrant a copy of his account, verified by affidavit, he shall have judgment for the amount of the said account, unless the defendant shall deny, under oath, that the account is due; and if the defendant deny only part of the account, he shall have judgment as to the residue, and the case be tried as to the part so denied," approved March first, eighteen hundred and ninety-eight, and an act entitled "an act to provide how appeals from justice and warrants removed shall be tried, and how defects, omissions, and irregularities in the proceedings below may be corrected in the court to which the appeal is taken or the warrant removed," approved February twenty-seventh, eighteen hundred and ninety-four, be, and the same are hereby, repealed.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 437.—An ACT to amend and re-enact section 2660 of the Code of Virginia, as amended and re-enacted by an act entitled "an act to amend and re-enact section 2660, Code of Virginia, fixing the order in which debts of decedent are to be paid," approved February 7, 1896.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and sixty, Code of Virginia, as amended and re-

enacted by an act entitled "an act to amend and re-enact section twenty-six hundred and sixty, Code of Virginia, fixing the order in which debts of decedent are to be paid," approved February seventh, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 2660. Order in which debts of decedent to be paid.—When the assets of the decedent in the hands of his personal representative, after the payment of funeral expenses and charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied:

First. To the claims of physicians, not exceeding fifty dollars, for services rendered during the last illness of the decedent; and accounts of druggists, not exceeding the same amount, for articles furnished during the same period; and claims of professional nurses, or other person rendering service as nurse to the decedent, at his request or the request of some member of his immediate family, not exceeding the same amount, for services rendered during the same period; and accounts of hospitals and sanitariums, not exceeding the same amount, for articles furnished and services rendered during the same period.

Second. To debts due the United States and this State.

Third. To taxes and levies assessed upon the decedent previous to his death.

Fourth. To debts due as trustee for persons under disabilities, as receiver or commissioner under decree of court of this State, as personal representative, guardian or committee, where the qualification was in this State.

Fifth. To all other demands, except those in the next class; and

Sixth. To voluntary obligations.

2. This act shall be in force from its passage.

CHAP. 438.—An ACT to amend and re-enact section 2533 of the Code of Virginia, as amended by an act approved March 7, 1894, and to amend and re-enact sections 2534 and 2538 of the Code of Virginia, and to amend section 2547 of the Code of Virginia, as amended by an act approved February 23, 1898, in relation to the jurisdiction of the probate of wills.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-five hundred and thirty-three, as amended by act approved March seventh, eighteen hundred and ninety-four; twenty-five hundred and thirty-four, twenty-five hundred and thirty-eight, and twenty-five hundred and forty-seven of the Code of Virginia, as amended by act approved February twenty-three, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 2533. Jurisdiction of probate of wills.—The circuit courts of the Commonwealth, and the clerks of the circuit courts of the counties, and the city or corporation courts of the several cities in the Commonwealth, shall have jurisdiction as to the probate of wills according to the following rules—that is to say: In the county or corporation wherein the decedent has a mansion house or known place of residence; if he has no

such house or place of residence, then in a county or corporation wherein any real estate lies that is devised or owned by the decedent; and if there be no such real estate, then in the county or corporation wherein he dies, or a county or corporation wherein he has estate.

§ 2534. Appointment of curator; when made; his duties.—Such court or clerk may appoint a curator of the estate of a decedent during a contest about his will, or during the infancy, or in the absence of an executor, or until administration of the estate be granted, taking from him bond in a reasonable penalty. The curator shall take care that the estate is not wasted before the qualification of an executor or administrator, or before such estate shall lawfully come into possession of such executor or administrator. He may demand, sue for, recover, and receive all debts due to the decedent, and all his other personal estate, and likewise may lease or receive the rents and profits of any real estate whereof the decedent or testator may have died seized or possessed lying within the limits of the county or corporation from the court of which said curator may have received his appointment. He shall pay debts, so far as such payment may not affect the priority in the order of payment prescribed by law, and may be sued in like manner as an executor or administrator; and upon the qualification of an executor or administrator shall account with him for and pay and deliver to him such estate as he has in his hands or may be liable for.

§ 2538.—Person offering will for probate may have persons interested cited to appear.—A person offering or intending to offer to a circuit court, or the clerk thereof, or to a corporation court a will for probate, may obtain from the clerk of such court process directed to the proper officer of any county or corporation, requiring him to summon any person interested in such probate, to appear at the next term of such court, or before such clerk, on a day named in said summons, to show cause why the said will should not be admitted to record.

§ 2547. Wills to be recorded, and so forth; provision for recording copies.—Every will or authenticated copy admitted to record by any court or by the clerk of any circuit court shall be recorded by the clerk and remain in the clerk's office, except during such time as the same may be carried to another court under a subpoena duces tecum. A duly certified copy of any will, or of any authenticated copy so admitted to record, may be recorded in the county or corporation wherein there is any estate, real or personal, devised or bequeathed by such will.

It shall be the duty of the personal representative of the testator to cause a duly certified copy of any will or of any authenticated copy so admitted to record to be recorded in the clerk's office of the circuit or corporation court of the county or corporation wherein there is any real estate whereof the testator died seized.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 439.—An ACT to amend and re-enact section 2716, as amended by an act entitled “an act to amend and re-enact section 2716 of the Code, in relation to unlawful detainer,” approved March 4, 1890, and sections 2717, 2718, 2719, and 2720 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and sixteen, as amended by an act entitled “an act to amend and re-enact section twenty-seven hundred and sixteen of the Code, in relation to unlawful detainer,” approved March fourth, eighteen hundred and ninety, and sections twenty-seven hundred and seventeen, twenty-seven hundred and eighteen, twenty-seven hundred and nineteen, and twenty-seven hundred and twenty of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 2716. How person turned out or kept out of possession of land may recover it; when proceeding to be in court and when it may be before a justice.—If any forcible or unlawful entry be made upon lands, or if, when the entry is lawful and peaceable, the tenant shall detain the possession of land after his right has expired, without the consent of him who is entitled to the possession, the party so turned out of possession, no matter what right or title he had thereto, or the party against whom such possession is unlawfully detained, may within three years after such forcible or unlawful entry or such unlawful detainer sue out of the clerk's office of the circuit court of the county, or the circuit or corporation court of the corporation, in which the land, or some part thereof, is, a summons against the defendant to answer the complaint of the plaintiff that the defendant is in possession and unlawfully holds from the plaintiff the premises in question (describing them), and no declaration shall be required. Or in any case where possession of any house, land, or tenement is unlawfully detained by the tenant, or some person claiming under him, the lease of such tenant being originally for a period not exceeding one month, or for the time such tenant is employed by the landlord as laborer, the landlord or other persons entitled to the possession may present to any justice of the county, city, or town in which said premises are situated a statement, under oath, of the facts which authorize the removal of the tenant or other person in possession (describing said premises); and thereupon the said justice shall issue his summons against the person or persons named in the said affidavit.

§ 2717. Service of summons; when and where returned; plea of defendant; how case tried; its precedence.—The summons, when issued from the clerk's office of a court, may be returned and the case heard and determined at any term of said court. When issued by a justice it may be returned to and the case heard and determined by any justice of said county, city, or town: provided, the same be made returnable to some place within the magisterial district, city, or town in which the defendant resides. Such summons shall be served at least five days before the return day thereof. If the defendant appear and plead, his plea shall be “Not guilty.” Upon this issue, or upon the return of the first or any subsequent summons “executed,” the court or justice, as the case may be, shall try whether he unlawfully withholds the premises in controversy.

When the summons is returnable to a court, a jury may be empanelled to try the case, upon the application of either party, at any time before the trial. Such cases shall have precedence over all other civil cases on the docket.

§ 2718. Verdict and judgment; how summons issued by justice directed and served.—If it appear that the plaintiff was forcibly or unlawfully turned out of possession, or that it was unlawfully detained from him, unless it also appear that the defendant has unlawfully held or detained the possession for three years before the date of the summons, the verdict or judgment shall be for the plaintiff for the said premises, or such part thereof as may be found to have been so held or detained. When part only of the premises is found for the plaintiff, the verdict or judgment shall describe the part so found. In such cases the verdict or judgment shall be for the plaintiff. If the verdict be for the defendant as to the whole, judgment shall be for him. The summons issued by a justice may be directed to the sheriff, sergeant, or any constable, and served in the same manner as the process issued from the court.

§ 2719. How possession of premises in city or town, or in subdivision of suburban or other lands recovered from tenant or lessee whose rent is in default.—If any tenant or lessee of premises in a city or town, or in any subdivision of suburban and other lands divided into building lots for residential purposes, being in default in the payment of rent, shall so continue for five days after notice, in writing, requiring possession of the premises, or the payment of rent, such tenant or lessee shall thereby forfeit his right to the possession. In such case the possession of the defendant may, at the option of the landlord or lessor, be deemed unlawful, and he may proceed to recover the same in the manner provided by this chapter.

§ 2720. Appeal from judgment of justice; how and when taken; how tried; what security required when appeal taken by defendant.—An appeal shall lie from the judgment of a justice, in any proceeding under this chapter, to the circuit court of the county or corporation court of the corporation in which the premises are situated in the same manner and with like effect and upon like security as appeals taken under chapter one hundred and forty. The said appeal shall be taken within ten days and the security approved by the justice from whose decision the appeal is taken; and when the appeal is taken by the defendant, he shall be required to give security also for all rent which has accrued upon said premises and which may accrue thereon, but for not more than one year's rent in all, whether it shall have accrued before or may accrue after said appeal is taken, and also for all damages that shall have accrued or may accrue from the unlawful use and occupation of the premises for a period not exceeding three months. Upon the trial of said appeal a jury may be empanelled to try the matter in controversy upon the application of either party.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 440.—An ACT to establish a dispensary for the sale of intoxicating liquors in Leigh magisterial district, at Meherrin, Prince Edward county, Virginia; to prohibit all persons, firms, corporations, to sell, barter, or exchange such liquors in said magisterial district, and to repeal all laws in conflict with this act so far as they apply to said magisterial district.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That on Saturday, the nineteenth day of December, nineteen hundred and three, there shall be held within and for Leigh magisterial district, at Green Bay, in the county of Prince Edward, a special election, at which shall be submitted to the qualified voters of the said district the question of the establishment of a dispensary at the village of Meherrin, in said district, as hereinafter provided, which said election shall be held, and the returns thereof made, canvassed, and ascertained as provided by the general election laws of the State, except as modified by this act. The official ballots prepared and used at said election shall contain the words "for dispensary" and the words "against dispensary," and the voter, desiring to vote for the establishment of said dispensary as provided by this act shall scratch out the words "against dispensary," leaving the words "for dispensary" unscratched; and the voter desiring to vote against the establishment of said dispensary as provided by this act shall scratch out the words "for dispensary," leaving the words "against dispensary" unscratched. The certificate of the judges and clerks of said election shall show the number of votes cast "for dispensary" and the number of votes cast "against dispensary," and the judges of election shall certify the results of said election to the judge of the circuit court of the county of Prince Edward, in vacation, who shall order the same to be entered of record upon the law book of said court. And if at said election a majority of the voters voting thereat shall vote for the establishment of said dispensary as provided by this act, then it shall be unlawful for any person, firm, or corporation, in any capacity whatsoever, to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the said magisterial district in which Meherrin is situated on or after the first day of January, nineteen hundred and four, except as hereinafter provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one month nor more than twelve months in the jail of said county, or such person may be punished by both fine and imprisonment as aforesaid, in the discretion of the jury, and the subsequent sections of this act shall be in full force and effect; but if at said election a majority of those voting thereat shall vote against the establishment of said dispensary as provided by this act, then the same shall not affect the general laws pertaining to the sale of intoxicating liquors.

Notice of said special election shall be given by publication at least once in some paper published in the county of Prince Edward, and by handbills posted in five or more public places in said magisterial district, and at least ten days before said election, anything in the general laws of the State to the contrary, notwithstanding.

2. The member of the board of supervisors from said magisterial district, together with two discreet citizens of said district appointed by the judge of the circuit court of the county of Prince Edward, shall constitute a dispensary board for the management of said dispensary; the said member of the board of supervisors shall be chairman of said dispensary board. The terms of office of the members appointed by the judge of the circuit court of said county shall be for two years from the first day of January, nineteen hundred and four; should a vacancy occur in said board, the same shall be filled by the said judge of the circuit court of Prince Edward county.

Before entering upon the discharge of the duties of the office the members of said board shall make oath that they shall well and truly carry out, to the best of their ability, all of the provisions of this act.

The judge of the said circuit court of Prince Edward shall have the right to remove either of the members of said board appointed by him when in his judgment such member has violated his oath or been guilty of malfeasance in the office.

The duty of the chairman of said board shall be to audit and approve all the bills contracted by said board, and shall receive for his services the sum of fifty dollars per annum. The other members shall receive for their services the sum of twelve dollars per annum.

3. It shall be the duty of the said dispensary board to provide a suitable place for the sale of spirituous, vinous, malt, and other intoxicating liquors at Meherrin, said magisterial district, where such liquors shall be kept for sale under the direction of said dispensary board, by a manager, who shall be appointed by said board, and who shall have charge of said dispensary subject to the control of the said board; said manager shall be subject to dismissal at the pleasure of the dispensary board; he shall give bond in the sum to be fixed by said dispensary board, not less than five hundred dollars, for the faithful discharge of his duties, and for the payment of all sums of money received by him to the treasury of the county of Prince Edward. He shall be paid a salary to be fixed by said dispensary board, not exceeding the sum of fifty dollars per month. It will be the duty of the manager to keep a register on which shall be kept a record of the quantity sold, price paid, and date of sale.

4. The manager of the dispensary shall at all times keep under the supervision of the dispensary board a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct, and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the county of Prince Edward out of moneys in his hands to the credit of said dispensary upon presentation of such bills approved in writing by the chairman of the dispensary board, and said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of Prince Edward county once a week, and the said treasurer shall keep a separate account of the moneys so received and paid out by him, and he shall receive as compensation for receiving and paying out said money one per centum upon receipts.

5. The said dispensary board shall from time to time make rules and regulations for the operation of said dispensary; but in no event shall

wines and liquors be sold to any person known to be an habitual drunkard, to minors, or to persons intoxicated, except upon the prescription of a regularly licensed physician.

The dispensary shall not be opened before sunrise, and shall be closed at sunset each day, and shall be closed on Sundays, election days, and under the same circumstances as make the sale of liquors unlawful under the laws of this State. The room in which said business shall be conducted shall front on some public thoroughfare, and shall have no other means of ingress or egress except the front door thereof.

6. The price at which spirituous, vinous, and malt liquors shall be sold shall be fixed by the dispensary board, provided that the same shall not be sold for a profit exceeding eighty per centum above the actual costs thereof.

7. The manager of said dispensary shall sell to no person or persons any spirituous, vinous, or malt liquors, except in sealed packages, and whenever any original package is broken, it shall at once be bottled and sealed and the price labeled thereon. The said board shall appoint some reliable person to assist said manager whenever it shall become necessary to break any original package and bottle and seal the same, the duty of which person it shall be to see that all of such original packages are bottled in such size packages as may be suggested by the said manager, and securely corked and sealed, and the price labeled thereon. The said manager shall at no time keep, or allow to be kept, any broken or unsealed packages of liquor in said dispensary, either for his own use for the use of any other person or persons. The amount of liquor sold in said sealed packages in said dispensary shall in no case be less than one-half a pint nor more than four gallons, and it shall be unlawful for the said manager or any other person to open any such package or bottle, or to drink any liquor of any kind within such distance from the entrance to the dispensary as the said board may prescribe. Said manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales for the preceding month, and the stock on hand on the last day of the month.

8. Said dispensary board may cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary that are not known on the market as pure and unadulterated, and the board may have the liquors purchased analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the persons from whom purchased, and payment for same refused.

9. No liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board is required to make such rules and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing; and if the said board becomes satisfied that any person or persons have purchased, or are purchasing, liquor from said dispensary for the purpose of selling again, they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will probably pre-

vent a re-sale, and in case such board becomes satisfied that any person or persons are directly or indirectly purchasing repeatedly for the purpose of re-selling, then the dispensary board is authorized to direct the manager not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes. The said dispensary board shall have power to employ attorneys, agents, or detectives to assist and aid in the detection and prosecution of any violation of this act; may borrow money necessary to conduct said dispensary, and shall have the power to do all other proper things not contrary to law in order to carry out the true intent of this act.

10. Any debt incurred by said dispensary board shall be upon the credit of said dispensary alone.

11. The manager of said dispensary shall not allow any person or persons to loiter in or about the said dispensary, and any person who is violating this provision and refuses to leave at the request of the manager shall be punished, upon conviction, in a justice court as a misdemeanor, and shall be fined not exceeding five dollars.

12. The dispensary board shall make and publish an annual report showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquors, the itemized expense of said dispensary, salary paid manager, dispensary board, and all other moneys expended on account of said dispensary, and money received on account thereof.

13. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia, three-eighths to the district public school fund, and four-eighths to a road fund for Leigh magisterial district, to build and keep in repair the public roads in said district. Such distribution shall be made when ordered by the dispensary board, and at least once a year.

14. Any person or persons who shall, directly or indirectly, keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for sale, or distribution or division among members of any club or association, shall be guilty of misdemeanor, and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by confinement in jail of not less than one month nor more than twelve months, or both.

15. All laws or parts of laws in conflict with this act are hereby repealed, so far as they relate to Leigh magisterial district, in Prince Edward county, Virginia.

16. This act shall be in force from its passage.

CHAP. 441.—An ACT to amend and re-enact sections 754, 765, 768, and 774 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections seven hundred and fifty-four, seven hundred and sixty-five, seven hundred and sixty-eight, and seven hundred and seventy-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 754. How public moneys transferred to depositaries; depositaries to report to auditor and pay interest on moneys.—As soon as the State depositaries, or any of them, have given the bonds required of them under the preceding section, and such bonds have been approved and accepted by the governor, all public moneys on deposit with other depositaries shall be transferred to such of the State depositaries as have given bonds (which have been approved and accepted as aforesaid), or to any or either of them. All transfers of public moneys, under the provisions of this or the preceding section, shall be made upon the order of the governor, countersigned by the treasurer, and so drawn that the money shall not go into the hands of the treasurer; but the transfer shall be made in the mode selected by the depositary receiving the money and at the risk and expense of said depositary. In consideration of any deposits which may be made with the depositaries aforesaid, they shall each, on the first day of every month, make a report to the auditor of public accounts, showing the amount on deposit with them, respectively, to the credit of the Commonwealth, and pay thereon interest at such a rate as shall have been, or may be, agreed on by the respective depositaries and the governor, auditor of public accounts, and treasurer.

§ 765. What claims to be presented to auditor.—Any person having any pecuniary claim against the Commonwealth upon any legal ground may present the same to the auditor of public accounts, except in those cases in which the claim, if allowed, would be chargeable to the State board of education, State corporation commission, or any corporation composed of officers of government, of the funds and property of which the State is sole owner.

§ 768. What claims to be presented to second auditor.—Any person having a claim against the State board of education or State corporation commission, or any corporation composed of officers of government, of the funds and property of which the State is sole owner, may present the same to the second auditor, who, after being authorized by the proper board, shall allow so much thereof as may appear to be due.

§ 774. Auditor to keep account against treasurer; also of court expenses.—There shall be kept on the books, in the office of the auditor of public accounts, an account against the treasurer, and a separate account for the contingent expenses of the courts of this Commonwealth so far as authorized to be paid out of the public treasury, to which account shall be placed allowances which are authorized by law to be made to officers and servants, and for fuel, stationery, furniture, and office rents, payable out of the treasury.

2. This act shall be in force from its passage.

CHAP. 442.—An ACT to amend and re-enact section 14 of chapter 1 of an act entitled "an act concerning corporations," which became a law May 21, 1903.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section fourteen of chapter one of an act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 14. Every corporation incorporated under the provisions of this chapter and of chapters three and four of this act, and every corporation of the same or similar general class or nature heretofore incorporated by the general assembly or under the laws of this State, shall, after each annual meeting of its stockholders, certify to the clerk of the circuit court of the county, or the clerk of the circuit, corporation, or chancery court of the city, wherein is located its principal office, a list of the officers and directors of such corporation elected at said annual meeting, and it shall be the duty of the clerk of the circuit court of said county, or of the clerk of the circuit, corporation, or chancery court of said city, to keep a file of such certificates, which shall be open to public inspection; and the clerk of such court shall be entitled to a fee of twenty-five cents for filing such certificate, to be paid by the said corporation; and every such corporation, all of the officers and directors of which are non-residents of the city or county in which its principal office is located, shall, at the same time annually, by written power of attorney, appoint some practicing attorney at law residing in the city or county wherein the principal office of said corporation is located, its attorney or agent upon whom all legal process against the corporation may be served, and who shall be authorized to enter an appearance in its behalf. Such power of attorney shall be recorded in the clerk's office of the circuit court of the county, or of the clerk's office of the circuit, corporation, or chancery court of the city, wherein the principal office of said corporation is located. Any such corporation failing to comply with the provisions of this section within sixty days after its annual meeting shall be fined not less than fifty dollars nor more than one hundred dollars, and each day's continuance of such failure may be construed to be a separate offense under this section, such fine to be imposed and enforced by the State corporation commission, with right of appeal to the supreme court of appeals; and if any such corporation shall be in default for more than six months in complying with the provisions of this section, the State may proceed against such corporation by writ of quo warranto, or information in the nature of a writ of quo warranto, for the vacation and forfeiture of its charter, and upon judgment in such proceeding against any such corporation, its charter shall thereafter be vacated and forfeited. Such proceeding shall be instituted and prosecuted by the attorney-general at the request of the State corporation commission.

2. This act shall be in force from and after its passage.

CHAP. 443.—An ACT to amend and re-enact sections 567, 568, 571, 573, and 578 of the Code of Virginia, in relation to the erroneous assessment of real and personal property.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections five hundred and sixty-seven, five hundred and sixty-eight, five hundred and seventy-one, five hundred and seventy-three, and five hundred and seventy-eight of the Code of Virginia, in relation to the erroneous assessment of real and personal property, be amended and re-enacted so as to read as follows:

§ 567. Redress against erroneous assessment of taxes.—Any person assessed with taxes on lands or other property, aggrieved by any such assessment, may, unless otherwise specifically provided by law, within two years from the first day of September of the year in which such assessment is made, and any person assessed with a license tax, aggrieved thereby, may, within one year after such assessment, apply for relief to the court in which the commissioner gave bond and qualified or to which or to whose clerk such bond and the certificate of his qualification were returned. The attorney for the Commonwealth shall defend the application; and no order made in favor of the applicant shall have any validity unless it is stated therein that such attorney did so defend; that the commissioner making the assessment, or his successor, was examined as a witness touching the application, and the facts proved to be certified.

§ 568. When court may order assessment to be corrected and money refunded.—If the court be satisfied that the applicant is erroneously assessed with any taxes, and that the erroneous assessment was not caused by the failure or refusal of the applicant to furnish a list of his property, real and personal, to the commissioner, on oath, as the law requires; or that the applicant is erroneously charged with a license tax, and that the erroneous assessment was not caused by the failure or refusal of the applicant to furnish the commissioner, on oath, with the necessary information, as required by law, in either case the court may order that the assessment be corrected. If the assessment exceeds the proper amount, the court may order that the applicant be exonerated from the payment of so much as is erroneously charged, if not already paid, and if paid, that it be refunded to him. If the assessment be less than the proper amount, the court shall order that the applicant pay the proper taxes. A copy of any order made under this section correcting an erroneous assessment shall be certified by the court to the auditor of public accounts and the treasurer of the State.

§ 571. Redress against erroneous assessment of levies and local taxes.—Any person assessed with county or city levies and other local taxes, on lands or other property, aggrieved by any such assessment, may, unless otherwise specifically provided by law, within two years from the first day of September of the year in which such assessment is made, apply for relief to the circuit or corporation court of the county or city wherein such assessment was made; and thereupon the court shall order that he be exonerated from the payment of so much as is improperly assessed, if not

already paid, and if paid, that it be refunded to him by the treasurer, who shall have credit for the same in his settlement.

§ 573. Appeal and supersedeas allowed the State; proceedings in.—If from the statements of the facts or other evidence the auditor of public accounts shall be of opinion that the order of the court granting the redress is erroneous, he may, within one year from the time such order is made, file a petition for a rehearing of such application; said petition may be filed in said court or with the judge thereof in vacation, and shall be in the name of the Commonwealth, and the filing of the same shall operate as a supersedeas, and the matter shall thereupon be reheard in said court and witnesses examined in the same manner as if no previous hearing had been had. The petition shall be presented and the hearing conducted by the attorney for the Commonwealth of the county or corporation.

At the hearing the court shall make such order thereon as may be proper. And should the order of the court be against the Commonwealth, the auditor of public accounts may take an appeal to the supreme court of appeals, and a supersedeas may be granted in such case in the same manner as now provided by law in cases other than cases of appeal of right. No costs shall be adjudged against the Commonwealth on the appeal, but costs may, in the discretion of the court, be awarded against the commissioner of the revenue who made the assessment, if the same be erroneous.

§ 578. Grand juries to examine books of assessment; fraudulent returns; when and how books corrected; when offender prosecuted; punishment.—It shall be the duty of the judges of the circuit and corporation courts, at the term next succeeding the return by the commissioners of their several books of assessments, to charge the grand juries impanelled by them to examine said books of assessment; and whenever the grand jury shall think there is probable cause to believe that any person has made a false or fraudulent return of his taxable property to the commissioner, they shall thereupon summon the person suspected of making such false or fraudulent return, to give such explanation as he may desire; and if, on full examination and interrogation of said person, or the examination of such witnesses as they may choose to summon, they shall believe that such false return was made by him through ignorance or mistake, and with no fraudulent purpose, he may be allowed to correct the same on said books, which correction shall be certified by the commissioner to the auditor of public accounts; but if they believe that said false return was made with a fraudulent purpose to evade the revenue laws, they shall proceed to find an indictment against him; and if on a trial of the same the defendant be found guilty, he shall be fined in a sum equal to double the amount of the taxes with which he is properly chargeable, and be confined in jail at the discretion of the jury.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 444.—An ACT to amend and re-enact section 4162 of the Code of Virginia, as amended by an act approved February 19, 1892, and as further amended by an act approved May 5, 1903, and to repeal section 4163 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section forty-one hundred and sixty-three of the Code of Virginia be, and is hereby, repealed, and that section forty-one hundred and sixty-two of the Code of Virginia, as amended by act approved February nineteenth, eighteen hundred and ninety-two, and as further amended by act approved May fifth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 4162. The superintendent may purchase material and supplies for the penitentiary and prison farm; monthly report of the superintendent.—The respective superintendents shall, with the approval of the board, and under such regulations as it may prescribe, purchase such material and provisions as may be necessary for the penitentiary and prison farm, of which they shall keep an account showing separately the kind and quantity of material and provisions purchased, and the price thereof. The respective superintendents shall, on the first Monday in each month, make a report to the board of his receipts from the hire of convicts, or from any other source, and also of his disbursements during the past month.

2. This act shall be in force from its passage.

CHAP. 445.—An ACT to permit the commissioner of agriculture to collect specimens of natural history.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That the commissioner of agriculture of this State, or his properly designated agent, be, and he is hereby, authorized to take, capture, or collect game birds, game animals, and song and insectivorous birds and fish, at such seasons and by such means as may be necessary, when the same are taken, captured, or collected as specimens of natural history, and to ship the same out of this State, under the label of his office, to be mounted, or for State exhibition.

2. All acts or parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 446.—An ACT to authorize and empower the board of supervisors of Washington county to appropriate and contribute money for the purpose of aiding the erection of a monument to the Confederate soldiers of said county.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Washington county be, and it is hereby, authorized and

empowered, if, in its opinion, it be just and proper so to do, to appropriate and contribute out of the county funds a sum of money not exceeding two thousand dollars, for the purpose of aiding in the erection of a monument at Abingdon, the county seat thereof, to the Confederate soldiers of said county. Such appropriation may be made as a whole, or may be made and paid out by instalments, as the said board may determine.

2. This act shall be in force from its passage.

CHAP. 447.—An ACT to permit persons more than nineteen years of age to take the State bar examination for a license to practice law.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That any person over nineteen years of age who has studied law for a period of two years in a law school of this State, or in the office of a practicing attorney of this State, and who is otherwise qualified to take the State bar examination, shall be allowed to take such examination: provided, however, that no certificate to practice shall issue to such person until he shall have attained the age of twenty-one years.

2. This act shall be in effect from its passage.

CHAP. 448.—An ACT to amend and re-enact section 4179 of the Code of Virginia, as amended by an act approved March 5, 1888, and as further amended by an act approved March 5, 1894.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section forty-one hundred and seventy-nine of the Code of Virginia, as amended by an act approved March fifth, eighteen hundred and eighty-eight, and as further amended by an act approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 4179. Jurisdiction for trial of convicts.—All criminal proceedings against convicts in the penitentiary shall be in the circuit court of the city of Richmond: provided, that when convicts are employed upon any work of public or private improvement in any county in the State the criminal proceedings against them may be in the circuit court of the county in which the convict is so employed or in the circuit court of the city of Richmond.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 449.—An ACT to amend and re-enact section 16 of an act entitled “an act to establish a dispensary for the sale of intoxicating liquors in the town of Boydton, Mecklenburg county, Virginia, and within one mile of the corporate limits of the said town; to prohibit all persons, firms, corporations, to sell, barter, or exchange such liquors in said town, and within one mile of the corporate limits thereof, and to repeal all laws in conflict with this act so far as they apply to the said town and the country within one mile of its corporate limits,” approved February 14, 1901.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixteen of an act entitled “an act to establish a dispensary for the sale of intoxicating liquors in the town of Boydton, Mecklenburg county, Virginia, and within one mile of the corporate limits of the said town; to prohibit all persons, firms, corporations, to sell, barter, or exchange such liquors in said town, and within one mile of the corporate limits thereof, and to repeal all laws in conflict with this act so far as they apply to the said town and the country within one mile of its corporate limits,” approved February fourteenth, nineteen hundred and one, be amended and re-enacted so as to read as follows:

§ 16. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia and the residue to the town of Boydton. Such distribution shall be made when ordered by said board, and at least once a year.

2. This act shall be in force from and after its passage.

CHAP. 450.—An ACT to amend and re-enact section 1401 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1401. How trustees to hold books and furniture.—When books or furniture shall be given or acquired for the benefit of such religious congregation, church, or religious society, or branch or division thereof, to be used on the said land in the ceremonies of public worship or at the residence of said bishop, or minister, or clergyman, the same shall stand vested in the trustees having the legal title to the said land, to be held by them as the said land is held, and upon the same trusts.

2. This act shall be in force from its passage.

CHAP. 451.—An ACT to amend and re-enact section 1 of chapter 8 of the charter of the city of Danville, Virginia, relating to power to subscribe to stock of incorporated companies, to improvement of roads, and limit to outstanding debts, etc., as amended and re-enacted by an act approved February 19, 1900, as amended and re-enacted by an act approved February 1, 1901, as amended and re-enacted by an act approved March 8, 1902.

Approved December 12, 1903.

Whereas, an emergency exists in the city of Danville requiring power to issue bonds for the improvement of its water works, by which water is supplied to its inhabitants, and for other municipal purposes; therefore,

1. Be it enacted by the general assembly of Virginia, That section one, chapter eight, of the charter of the city of Danville, Virginia, relating to power to subscribe to stock of incorporated companies, to improvement of roads, and limit to outstanding debts, and so forth, as amended and re-enacted by an act approved February nineteen, nineteen hundred, as amended and re-enacted by an act approved February one, nineteen hundred and one, as amended and re-enacted by an act approved March eighth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

CHAPTER VIII.

§ 1. The council may, in the name and for the use and benefit of said city, subscribe and contribute in money not otherwise appropriated, sums not exceeding five thousand dollars in the aggregate in any one year, to the cost of making, repairing, or improving any public roads in Pittsylvania county leading into said city.

The council shall have power and authority, in the name and for the use and benefit of said city, to borrow money on temporary loans for periods not exceeding four months, and for amounts not exceeding in the aggregate at any one time the sum of fifty thousand dollars, and issue therefor notes or other evidences of debt.

The council shall also have power and authority, in the name and for the use and benefit of said city, to borrow money and contract debts and issue, negotiate, and sell notes, bonds, and certificates of debt; and, moreover, to issue, negotiate, and sell bonds of the city to be used in the payment, discharge, and redemption or refunding of any outstanding bonds of said city whenever said bonds shall mature or become subject to call.

The bonded indebtedness of said city shall not at any time exceed the sum of fourteen hundred and sixty thousand dollars, and no debt of said city shall be payable more than thirty-four years after the date thereof.

Except for the current expenses aforesaid and the said bonds, issued to refund the bonded indebtedness of said city, the said council shall not, in the name of said city, contract any debt, or issue any bonds or other evidences of debt in an amount exceeding ten thousand dollars, until the question of contracting such indebtedness shall have first been submitted to a vote of the qualified voters of said city, and shall be approved by two-thirds of such voters, voting at such election, which two-thirds shall include a majority of the qualified registered voters owning real estate in said city.

The council shall annually set aside from the resources of said city a sum equal to one per centum of the aggregate bonded indebtedness of said city, not payable within one year, whether heretofore or hereafter contracted. The fund thus set aside shall be called the sinking fund, and shall be applied to the payment of the bonded indebtedness of said city as it shall become due, and if no part be due and payable, the sinking fund shall be invested in the bonds of other certificates of indebtedness of said city, or of the State of Virginia, or of the United States, or of any State in this union.

2. This act shall be in force from its passage.

CHAP. 452.—An ACT to amend and re-enact sections 637, 638, 642, 648, 649, 650, 651, 653, 654, 655, 659, 662, 664, 665, and 666 of the Code of Virginia, as heretofore amended, in relation to the sale of delinquent lands.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That sections six hundred and thirty-seven, six hundred and thirty-eight, six hundred and forty-two, six hundred and forty-eight, six hundred and forty-nine, six hundred and fifty, six hundred and fifty-one, six hundred and fifty-three, six hundred and fifty-four, six hundred and fifty-five, six hundred and fifty-nine, six hundred and sixty-two, six hundred and sixty-four, six hundred and sixty-five, and six hundred and sixty-six of the Code of Virginia, as heretofore amended, in relation to the sale of delinquent lands, be amended and re-enacted so as to read as follows:

§ 637. Clerks to deliver to treasurers copy of list of delinquent real estate; how treasurers to give notice of sale of lands for taxes, levies, and so forth.—The clerk of each corporation or hustings court, the clerk of the council of each city, and the clerk of each circuit court, shall, at the time he certifies to the auditor of public accounts a list of real estate delinquent for the non-payment of taxes and levies thereon, make a copy of the same, and deliver it to the treasurer of his county or city. Within thirty days after receiving such copy from the clerk, such treasurer, if he be an officer of a city, shall post a printed copy of such list in at least five public places in each ward of his city; if the treasurer be the officer of a county, he shall post a copy at the front door of the courthouse of his county on the first day of a circuit court, and also a printed copy in at least five public places in each magisterial district in said county; and the said treasurers may distribute in other ways in their respective cities, towns, and counties, such additional printed copies as they may deem proper to secure general publicity of the time and place of sale of the lands therein mentioned as delinquent, and in addition thereto, if, in the judgment of the said officer, it is deemed necessary, a copy of said list shall be inserted once in a newspaper, if there be one, published in the said county or city. And the expense thereof, as well as of the printing and publication of said list, shall be paid by such county, city, or town, as the case may be, but shall be apportioned among the delinquents according to the amount of taxes and levies due by them, respectively, and

added to the respective amounts so due. To each copy thus posted and published the treasurer shall attach a notice that the real estate there mentioned, or so much thereof as may be necessary to satisfy the taxes, levies, interest, costs, and charges due thereon, will be sold at public auction on the first day of the following November or December court, between the hours of ten in the morning and four in the afternoon, in front of the courthouse, unless the amount for which the said lands are delinquent, together with the interest, costs, and charges, shall have been previously paid to such treasurer.

§ 638. If taxes, levies, et cetera, not paid, treasurers to sell lands; adjournment of sale.—If the said taxes, levies, interest, costs, and charges and a due proportion of said expense be not previously paid, the treasurer shall proceed to make sale accordingly; and the sale may be adjourned from day to day, and proceed between the hours aforesaid, until it shall be completed. If, however, the sale be not completed on the last day of the court, it shall be adjourned to the first day of the next circuit or corporation court. It may then proceed, and be adjourned in like manner as at the previous term. Whenever there is an adjournment to the next court, notice thereof shall be given by proclamation to the bystanders then present, and by posting at the front door of the courthouse.

§ 642. Treasurer to report sales to court; form of report.—After the sales have been completed, the treasurer shall, within sixty days, report to the circuit court of his county or corporation court of his city as follows:

"I hereby report that, after giving the notice required by law, on the — day of —, nineteen hundred and —, I sold the following described tracts or parcels of land, lying in the county or corporation of —, State of Virginia, to the respective parties herein named, for taxes, levies, costs, and charges due thereon, respectively:

Names of Persons Charged with Taxes.	Quantity of land charged.	Local description of land.	Amount of taxes due.	Amount of levies due.	Quantity of land sold.	Name of purchaser.	Amount of purchase money.

All of which is respectfully submitted,
(Signed) _____,

County (or city) treasurer."

That the treasurer of each county and city shall immediately, after the sale made of any lands delinquent for taxes or levies, furnish to the clerk of the circuit court of his county, or to the clerk of the corporation

court of his city, as the case may be, a list of all persons whose lands had been returned delinquent and who had paid such delinquent taxes and levies to such treasurer prior to such sale, and such clerk shall immediately endorse such payment on the delinquent list filed in his office for the corresponding year opposite the name of the taxpayer whose land had been returned delinquent.

§ 648. How mistakes in report of sales corrected; amended list to be filed and recorded; notice to purchaser and former owner.—If any treasurer shall in his list of sales omit therefrom any real estate and the name of the purchaser, or state therein the name of the purchaser incorrectly, or that it was purchased by one person when it was in fact purchased by another, on the petition of such treasurer, or of any person interested, presented within one year from the date of sale, to the circuit or corporation court of the county or city in which such real estate is situated, stating such omission or mistake, on satisfactory proof thereof the court shall enter an order permitting the treasurer to file with the clerk an amended list in conformity with the decision of the court, which amended list and order of court shall be recorded in the “delinquent land book” and a copy thereof transmitted to the auditor. The person so named as purchaser in the original list by mistake shall, however, have twenty days’ previous notice of the presentation of such petition. Where the mistake made by the treasurer consists in the omission of real estate and the name of the purchaser thereof from the list of sales, the like notice of twenty days shall be given the previous owner of such real estate, who may exercise his right of redemption within two years from the date of the order of court aforesaid, in the manner and on the terms prescribed by sections six hundred and fifty and six hundred and fifty-one.

§ 649. Court may grant relief against sale; when, and upon what notice.—Any person aggrieved by reason of the confirmation of such sale may apply for relief to the circuit court of the county or corporation court of the city, of the treasurer who made such sale at any time previous to the execution of the deed hereinafter provided for; and upon showing that the taxes and levies assessed upon such real estate for which the same has been sold are not from any cause justly due, or that the said real estate is not liable for the same, such court may set aside and annul such sale, and exonerate such real estate from said taxes and levies, and order the restitution of the purchase money to the purchaser. The treasurer, purchaser, and Commonwealth’s attorney shall have at least five days’ notice of the application, and the Commonwealth’s attorney shall be present and defend the same.

§ 650. Who may redeem lands; within what time, and upon what terms.—The owner of any such real estate so sold, his heirs, or assigns, or any person having the right to charge such real estate with a debt, may redeem the same by paying to the purchaser, his heirs, or assigns, within two years from the day of sale, the whole amount paid by said purchaser, and any such additional taxes, levies, costs, and charges as may have been paid by him since the sale, with interest at the rate of six per centum per annum on the amount so paid.

Upon the production before the clerk of the circuit court of the county or corporation court of the city in which the land was assessed for tax-

tion, by any person who is entitled to redeem such land, of a receipt from the purchaser at the tax sale, showing that all taxes, costs, and so forth, have been paid to him by the person to whom the receipt is given, duly signed and acknowledged by the purchaser as a deed is required to be acknowledged, such clerk shall endorse the fact of such payment to the purchaser on the delinquent land book, opposite the entry of said tract or lot, for the year or years for which it was sold for delinquent taxes to the purchaser. The clerk shall receive a fee of twenty-five cents, to be paid by the person for whose benefit the endorsement is made, for endorsing the fact of the payment on the delinquent land book.

§ 651. Amount may be paid to clerk, if purchaser refuse it or cannot be found; clerk to endorse payment on delinquent land book.—What is authorized to be paid by the preceding section may be paid within the said two years to the clerk of the circuit court of the county or corporation court of the city (whose officer may have sold such real estate), in any case in which the purchaser, his heirs, or assigns, may refuse to receive the same or may not reside or cannot be found in the county or corporation. The clerk shall endorse the fact of such payment on the delinquent land book opposite the entry of the tract or lot.

§ 653. Purchaser of part of tract, and so forth, to have same surveyed; how survey made; plat to be returned to court and recorded.—The purchaser of a part of any tract or lot of land so sold and not redeemed within the said two years, his heirs, or assigns, shall have the quantity purchased surveyed and laid off, at his expense, by the surveyor of the county, if it be in a county or town therein; if it be within the corporate limits of any city, by the surveyor of such city; or where there is no surveyor of such county or city, then by some person to be appointed by the circuit court of the county or corporation court of the city, or judge thereof in vacation, for that purpose; the said surveyor to commence on either of the lines of the tract or lot, at the option of the purchaser, his heirs, or assigns, so as not to include the improvements on the same if it can be avoided, and to be in one body, the length whereof shall not be more than double the breadth, where that is practicable. A plat and certificate of the survey shall be returned to the circuit court of the county or corporation court of the city, and if the court, upon examination thereof, find it to be made in conformity with this section, it shall order the same to be recorded.

§ 654. When entire tract sold, what report surveyor to make.—When an entire tract of land is sold and not redeemed within the said two years, the purchaser, his heirs, or assigns, at his expense, shall have a report made to the circuit court of the county or corporation court of the city, by such surveyor or other person, as is provided for in the preceding section, specifying the metes and bounds of the land sold, the names of the owners of the adjoining tracts or lots, and giving such further description of the land sold as will identify the same, and the circuit or corporation court, unless it see some objection to such report, shall order the same to be recorded.

§ 655. When deed made to purchaser; clerk to make it; what to contain; fee of clerk.—After the expiration of the said two years the purchaser of any real estate so sold and not redeemed, his heirs, or assigns,

shall obtain from the clerk of the circuit court of the county or corporation court of the city (whose officer has sold such real estate), a deed conveying the same, in which shall be set forth all the circumstances appearing in the clerk's office in relation to the sale; but in no case shall a deed be made to any such purchaser of any such real estate until after such purchaser has given to the person in whose name the real estate so sold stood at the time of said sale, and the person or persons to whom said real estate so sold has been conveyed of record subsequently to the time of said sale, or if any of said persons be dead, then to his or their personal representatives, heirs, and devisees, and to the trustees, mortgagees, and beneficiaries, as shown by the records in any deed of trust or mortgage on said real estate, or their personal representative, four months' notice of his said purchase: provided, that no notice need be given to any trustee, mortgagee, or beneficiary in any deed of trust or mortgage which has been recorded, or the lien thereof renewed, more than twenty years prior to the date of such sale; and the person entitled to redeem said real estate shall have the right to redeem the same at any time before the expiration of said four months, although such time extend beyond the two years first mentioned herein. If the sale be of part of a tract of land, the deed shall refer particularly to the plat and certificate of survey returned according to section six hundred and fifty-three, and to the order of the court thereupon; and if the sale be of an entire tract of land, it shall refer to the report made according to the preceding section and the order thereupon. If the sale be of a city or town lot, or of an undivided interest in such lot, and a report be made describing the same, and such report be ordered by the court to be recorded, the deed shall refer to such report. But when, in the case of the sale of a city or town lot, or of an undivided interest in such lot, there is no such report, the clerk shall, nevertheless, execute a deed therefor to the purchaser if he desire the same. For every deed executed under this section the clerk shall be entitled to one dollar, which the purchaser shall pay him on the delivery of the deed. This section shall apply as well to real estate heretofore sold as to such real estate as may be hereafter sold for taxes or levies; and in any case in which the chancery court of the city of Richmond has ordered the plat and certificate of survey theretofore made of such real estate in the said city to be recorded in conformity to section six hundred and fifty-three, the clerk of the said chancery court shall execute the deed to the purchaser, his heirs, or assigns.

§ 659. If purchaser be dead, deed may be made to heirs, et cetera.—If the purchaser has died, his heirs or assigns may move the circuit court of the county or corporation court of the city (whose officer made the sale), to order the clerk or a commissioner to execute a deed to such heirs or assigns.

§ 662. When real estate to be bought in name of auditor; list thereof to be returned by treasurer to court; when confirmed copies to be sent to auditor, supervisors, and council; treasurer to have credit for taxes and levies; original list to be recorded; fee of clerk; provision for trying title whilst unredeemed, and so forth.—When any real estate is offered for sale as provided in section six hundred and thirty-eight and no person bids the amount chargeable thereon, the treasurer shall purchase

the same in the name of the auditor of public accounts for the benefit of the State and county, city, or town, respectively, unless such real estate has been previously purchased in the name of the auditor, in which case it shall be sold for such price as it will bring. A list of real estate so purchased in by the treasurer, showing in whose name sold, the amount of taxes, levies, costs, and charges, verified by his oath, shall be returned by him to the circuit or corporation court, at the same time he returns his report of sales under section six hundred and forty-two. If the court finds said list to be correct, or having corrected the same, when there is error, it shall confirm the same and direct its clerk to transmit a copy thereof to the auditor of public accounts, and a copy to the board of supervisors of the county, and in case of a sale for the levies of a city or town, to the council of such city or town at their next meeting. The original shall be recorded by the clerk in the "delinquent land book," for which he shall receive a fee of one dollar. On the receipt of said copies the auditor, the board of supervisors, and the council of the city or town shall, respectively, credit the treasurer with the amount of State taxes and levies chargeable on such real estate so purchased in the name of the auditor.

Provided, however, that any person claiming to be entitled to such real estate, if the same had not been delinquent for taxes, or sold therefor, may bring any action or actions, or suit or suits, either at law or in equity, to recover the possession thereof, try the title thereto, or to recover damages for any injury to the same, or to prevent injury to the same, although such real estate may have heretofore been, or may hereafter be, delinquent for taxes, or purchased by the treasurer in the name of the auditor of public accounts, for the non-payment of taxes and not redeemed, and the judgment or decree in any such action or suit shall only affect the rights and title of the parties thereto, and shall in no wise affect the rights of the Commonwealth or of any city or county therein or thereto: provided, however, that no execution, or other process or order, shall issue upon any judgment or decree rendered in any such action or suit, until the party in whose favor such judgment or decree is rendered shall have paid all delinquent and other taxes and levies, with the interest and other charges due upon said real estate, to the State, and to the city, town, or county, or district, wherein the same is located.

§ 664. How and by whom real estate so purchased may be redeemed; if redeemed the fact to be certified to commissioner.—The previous owner of any such real estate, his heirs, or assigns, or any person having the right to charge the same with a debt, may, until further sale thereof, redeem such real estate by paying to the clerk of the circuit court of the county or corporation court of the city in which such real estate is situated the amount for which the sale was made, together with such additional sums as would have accrued from taxes and levies if the same had not been purchased by the Commonwealth, with interest on the amount for which the sale was made at the rate of six per centum from the day of sale, and on the additional sums from the fifteenth day of December in the year in which the same would have accrued. The clerk shall endorse the fact of such payment on the delinquent land book opposite the entry of the tract or lot. When real es-

tate is redeemed as provided in this section the clerk shall certify the fact to the commissioner of the revenue of the county or city wherein such real estate lies. For making statement, calculating interest, and so forth, the said clerk shall be entitled to a fee of fifty cents, payable by the person redeeming his land. The clerk shall annually, at the time he makes report to the auditor of public accounts of taxes collected by him (as now provided by law), report upon blanks to be furnished by the auditor the amounts received by him for redemption of delinquent lands, and shall pay the same into the public treasury at the time fixed by law for paying in other public money received by him. For his services in receiving this money and paying it into the treasury he shall be entitled to a commission of five per centum.

§ 665. Court may authorize redemption of part of land; fix its value; when redeemed, to be free from lien for taxes and levies on rest of land; notice of application required; clerk to enter order on "delinquent land book"; his fee.—The circuit court of the county or corporation court of the city in which is situated real estate purchased in the name of the auditor, may, for good cause, authorize the redemption of a part of any real estate so purchased, whether the applicant be the owner of such part only or of the entire tract; and to that end may, subject to the limitations and on the terms prescribed by section five hundred and sixty-seven and the sections following to five hundred and seventy-three, inclusive, correct any erroneous assessment as to such part. The court shall fix the value of the part so to be redeemed, and upon the payment of the taxes and levies according to the values thus fixed, the owner shall be entitled to hold such part free from any lien for taxes and levies then due on the residue of the tract. The treasurer and Commonwealth's attorney shall each have at least five days' notice of such application, and the latter shall be present and defend the same, and the order of court shall show the fact. It shall be the duty of the clerk to make an entry of such order on his "delinquent land book," and furnish a copy of the same to each applicant, for which he shall be entitled to receive from such applicant a fee of seventy-five cents.

§ 666. When and how lands purchased in the name of the auditor and unredeemed to be sold.—When real estate so purchased in the name of the auditor is not redeemed by the previous owner, his heirs, or assigns, or some person having the right to charge the same with a debt, within two years from the date of such purchase, any person desiring to purchase it shall file an application with the clerk of the circuit court of the county or corporation court of the city wherein such is situated, for the purchase of such real estate for the amount for which the sale to the Commonwealth was made, and the taxes and county levies due the city, town, or county or district in which said land is situated, together with such additional sums as would have accrued from taxes, levies, and interest if such real estate had not been so purchased by the Commonwealth, with interest on the amount for which said sale was made at the rate of six per centum per annum from the day of sale, and on the additional sums from the fifteenth day of December in the year in which the same would have accrued, in which application shall be set out the name of the person in whose name the real estate stood at the date of the sale

thereof to the Commonwealth, and the person in whose name such real estate stands at the date of such application on the commissioner's books of such county or corporation, in the event that it has been transferred contrary to the provisions of section four hundred and sixty-nine of the Code, as well as the owner or owners of such real estate as shown by the deed books and will books of the clerk's office of the county or corporation in which it is situated, or in the clerk's office of the chancery court of the city of Richmond, if the property is situated in the city of Richmond; or if any of the said persons be dead, then the name of his personal representatives and heirs, and the name of the trustees, mortgagees, and beneficiaries as shown by the records in any deed of trust or mortgage on said real estate, or their personal representative: provided, that the names of any persons may be omitted which do not appear of record in the clerk's office of the county or corporation in which the land is situated, and if it be situated in the city of Richmond, which do not appear of record in the clerk's office in the chancery court of the said city: and provided, further, that the name of any trustee, mortgagee, or beneficiary in any deed of trust or mortgage which has been recorded more than twenty years prior to the date of the application may be likewise omitted. At the time of filing said application he shall pay to the clerk at least ten per centum of the amount of the proposed purchase price of the said land: provided, that this deposit, which shall be first for purchase price and then for costs, shall in no case be less than one dollar, and the clerk shall make out as many copies of said application as there are names of persons therein, with one additional copy, or more if necessary, and shall at once deliver them to the sheriff or sergeant of the county or corporation in which the land is situated, and the same shall be served on the parties named therein in the same manner that process to commence a suit is served, and similar return shall be made thereon by the officer serving the same. If any of the persons named in the said application do not reside in the county or corporation in which the land is situated, but are known by the clerk to reside in some other county or corporation in the State of Virginia, the clerk shall send copies of said application to the proper officer of the county or corporation wherein they reside, to be executed upon such person. Said return shall be made within sixty days after the issuing of the copy of the application. If the same be returned not executed on any party therein named, other copies may be made out and served as hereinbefore provided. On affidavit that one or more of the parties are non-residents of the State, or that diligence has been used by or on behalf of the applicant to ascertain in what county or corporation such persons are without effect, or that a copy of the application has been twice delivered to the proper officer of the county or corporation in which he resides without being executed, an order of publication may be entered by the clerk against such parties. The order of publication shall not be a copy of the application, but shall be in the following form, namely:

To —————: You are hereby notified that a tract (or lot) of land (if more than one, state the number and describe the land as it appears on the commissioner's books) in ————— district, ————— county (if in a city or town, name the city and ward), was sold on the — day

of _____, nineteen _____, for delinquent taxes, levies, interest, and costs to the Commonwealth of Virginia, and application for the purchase thereof has been filed in this office, and it appearing from the records in this office that you are interested in said land, you are further notified to appear in four months from the date of this notice, and do what may be necessary to protect your interests.

Given under my hand this _____ day of _____, nineteen _____.

Clerk _____ court, Virginia.

It shall be published once a week for four successive weeks in a newspaper published in such city or county, if there be one, to be designated by the clerk, and if there be none, in such newspaper as the clerk may direct, and shall be posted by the clerk at the front door of the courthouse of the county or corporation wherein the court is held on the first day of the next circuit or corporation court after it is entered. If no person who has a right to redeem the same at the time of the service of the copies, or of the completion of the order of publication as aforesaid, appear within four months after such copies have been so served or published, as the case may be, and redeem said real estate by paying to the clerk of the circuit court of the county or clerk of the corporation court of the corporation all taxes, levies, interest, penalties, and costs therewith connected, as well as all fees and costs attending the proceedings under this section, including a penalty equal to ten per centum of the amount for which said real estate is proposed to be purchased, provided that such penalty be not less than two dollars nor more than five dollars, which shall be paid to the applicant, together with such an amount as the applicant had previously paid to the clerk at the time of making such application, then the person who made the application shall have a right to purchase the real estate within five days from the expiration of the four months, as aforesaid, by paying to the clerk all remaining taxes, levies, interest, penalties, fees, and costs, and by paying all city, town, and county taxes and levies remaining unpaid, together with all interest and penalties, and if the applicant does not, within said five days, exercise such right, then all amounts deposited by him as provided in this act shall be forfeited to the Commonwealth, and the rights of such applicant to such land shall cease, and the right to redeem the same shall immediately accrue to all parties entitled to redeem the same, and the right to file application for the purchase of the same shall also accrue immediately to any one desiring to purchase.

And the purchaser shall then, in order to complete his purchase, at his expense, have a report made to the circuit court of the county or corporation court of the city in which the said real estate is situated, by the surveyor of such county or the engineer of such city, or where there is no such surveyor or city engineer, or when such surveyor or engineer refuses to act, by some competent surveyor to be appointed by such court for that purpose, specifying the metes and bounds of said real estate, the names of the owners of the adjoining tracts or lots, and giving such further description of the said real estate as will identify the same. But, in the discretion of the court, there need not be an additional survey if a suffi-

cient description of the said land can be obtained from the records; which fact, and the order dispensing therewith, shall be entered by such court upon its order book.

The circuit or corporation court, as the case may be, unless it have some objection to such report, shall order the same to be recorded. After such report shall have been recorded or dispensed with, as hereinbefore provided, the purchaser shall obtain from the clerk of the circuit court of the county or corporation court of the city in which the said real estate is situated, a deed conveying the same, in which shall be set forth all the circumstances appearing in the clerk's office in relation to the sale, and reference shall be made in the said deed to said report, or the order of the court dispensing therewith, as the case may be. Every such deed shall be with covenants of special warranty. In no case shall the Commonwealth be liable for any costs incurred under any of the provisions of this act. For making off a copy of an application under this section the clerk shall be entitled to a fee of twenty cents; for every order of publication and posting, fifty cents; for every deed executed, one dollar; and for every copy of application served under this section by sheriff or other officer, he shall receive thirty cents. All the foregoing fees may be required by the clerk or other officer to be paid in advance, except the fee for the deed, which may be paid upon the delivery of the deed, but the fee taxed for the order of publication against the party redeeming the land shall be the amount actually paid or contracted to be paid by the applicant for the publication of such order. If the clerk refuse to execute such deed the circuit court of the county or corporation court of the city wherein such real estate is situated may compel him to do so upon the petition of the purchaser. In all cases where applications are pending, or may hereafter be filed, if no such deed be made under this section within one year after the date of the application for the purchase of the said real estate to the party entitled to the deed, unless hindered by judicial proceedings, the person or persons entitled to redeem the same, as hereinbefore mentioned, his or their heirs or assigns, may, after such year and before such deed is made, redeem the said real estate by paying the purchaser the amount paid therefor by him, including the costs, but not the penalty hereinbefore provided, with such taxes and levies as he may have paid thereon since such purchase, with interest at six per centum per annum upon such payments from the date they were respectively made, and unless hindered by judicial proceedings, if no such deed be made under this section, within two years after the date of the said application to the party entitled to the deed, his or their heirs or assigns, and if the said real estate be not redeemed as herein provided, then the said application shall be null and void, and all amounts paid by such applicant as provided in this act shall be forfeited to the Commonwealth, and the rights of such applicant to such lands shall cease, and the lands shall be open to a new application as if none had been made. The provisions of section six hundred and sixty-one of the Code of Virginia shall apply to deeds made under authority of this section, and the provisions of section six hundred and fifty-two shall apply to real estate sold under authority of this section. Nothing herein contained shall be construed as affecting the duties of the commissioner of revenue

as prescribed by section four hundred and sixty-nine. No application shall be made under this section to purchase any real estate if at the time of such application suit is pending either to satisfy debts due creditors or for partition among the parties interested, until after the land has been sold in said suit and the court has failed to cause the taxes to be paid out of the purchase money. If one application has been filed for the purchase of real estate, and copies thereof issued, no second application shall be considered for the same piece of land until the rights of the first applicant shall have expired. Every applicant for the purchase of land under this section who does not reside in the county or corporation wherein said land is situated shall, in writing, designate some resident of said county or corporation as his agent or attorney, upon whom all process against or notice to such applicant shall be served, and service of any such notice or process upon such agent or attorney shall have the same force and effect as if served upon the applicant in person. Such writing shall be signed and acknowledged by the applicant and delivered to the clerk of the court in whose office any application under this section shall be filed, and shall be by him recorded in the deed book of said office; except that said writing shall be recorded in the clerk's office of the chancery court of the city of Richmond, if application is made in said city. Any person having the right to redeem said land as hereinbefore mentioned, and who desires to contest the right of the applicant to purchase such real estate, shall give notice in writing to the applicant of his purpose to make such contest. The notice shall name the term of the court and the day of the term on which he will make the motion to dismiss or quash the application or otherwise resist said application. The notice shall be executed upon the applicant, if a resident of the county or corporation wherein such real estate is situated, or upon his agent or attorney hereinbefore provided for, at least ten days before the return day thereof. The circuit court of the county or corporation court of the corporation wherein such real estate is situated shall hear and determine all questions that may arise on submission of said motion and adjudicate the same according to law, and an appeal shall lie from the circuit court of the county or corporation court of the corporation to the court of appeals in the same manner as is now provided for appeals in civil cases.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 453.—An ACT to amend and re-enact section 2773 of the Code of Virginia.

Approved December 12, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and seventy-three of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2773. When such value to be deemed real estate.—If the party by or for whom the land is claimed in the suit be a minor or insane, such value shall be deemed to be real estate, and be disposed of as the court may consider proper for the benefit of the persons interested therein.

2. This act shall be in force from its passage.

CHAP. 454.—An ACT to amend and re-enact sections 288 and 299 of the Code of Virginia, in relation to superintendent of the public buildings, etc., and to repeal an act approved January 30, 1900, entitled "an act to prescribe the duties of the register of the land office and fix his salary."

Approved December 14, 1903.

1. Be it enacted by the general assembly of Virginia, That sections two hundred and eighty-eight and two hundred and ninety-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 288. Register of land office shall be superintendent of grounds and buildings; duties of.—The register of the land office shall be superintendent of grounds and public buildings, and as such shall have under his care the capitol, the State courthouse or library building, the public grounds, and all other public property at the seat of government not placed in the charge of others, and shall protect the same from depredation and injury: provided, that the old bell-house now used as a State arsenal shall be under the control of the adjutant-general as long as it is used as such.

The superintendent of grounds and buildings shall be subject to the control and direction of the governor, and shall, with the approval of the governor, assign vacant rooms in the public buildings to such public officers as the public service may require. He shall discharge and perform such other duties as may be prescribed by law, and shall receive an annual salary, which shall be compensation for all his services. The fees of his office allowed by law shall be accounted for and paid into the treasury of the State. He shall have the appointment and control of the six capitol policemen provided by law, whose powers and duties are set forth in an act approved February twenty-eighth, eighteen hundred and ninety (one of whom shall be clerk to the register of the land office), and of the following employees: A conductor for the elevator at the State library building; a fireman for the elevator at the capitol, who shall be under the control and supervision of the engineer of the library building; a janitor of the capitol building; an engineer at the library building, who shall be charged with the duties prescribed in section two hundred and ninety-six of the Code of Virginia, and with the duty of supervising and keeping in order the boilers and engines in the capitol and in the library building; a night watchman, a policeman, a janitor, and a doorkeeper at the library building, and a janitor of the library offices.

§ 299. Control of capitol square.—He shall have control of the capitol square, subject to the orders and approval of the governor, and the expense of keeping the same in order shall be paid by him out of the fund appropriated for the contingent expenses of his office.

2. Be it further enacted, That an act approved January thirtieth, nineteen hundred, entitled "an act to prescribe the duties of the register of the land office and fix his salary," be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 455.—An ACT to repeal an act entitled “an act to provide for the special and separate assessment of taxes on mineral lands, and on the improvements, fixtures, and machinery thereon,” approved May 13, 1903.

Became a law without the governor's signature December 15, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to provide for the special and separate assessment of taxes on mineral lands, and of the improvements, fixtures, and machinery thereon,” approved May thirteenth, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 456.—An ACT to repeal sections 2297 and 2298 of the Code of Virginia.

Became a law without the governor's signature December 16, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-two hundred and ninety-seven and twenty-two hundred and ninety-eight of the Code of Virginia be, and the same are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 457.—An ACT to provide for the collection of all taxes in arrear and past due to the Commonwealth prior to February 1, 1903, upon the shares of the capital stock of banks and banking associations, whether due by resident or non-resident stockholders, and for this purpose to amend chapter 642 of the acts of the general assembly of Virginia, session 1895-1896, approved March 3, 1896.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter six hundred and forty-two of the acts of the general assembly of Virginia, session of eighteen hundred and ninety-five and eighteen hundred and ninety-six, entitled “an act to authorize and empower the auditor of public accounts to collect taxes heretofore assessed upon bank stock held by resident or non-resident stockholders,” approved March third, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 1. The assessment of the shares of the capital stock of banks and banking associations heretofore made are hereby confirmed, and the assessment thereof shall be hereafter made in the manner prescribed by law.

§ 2. All acts done by the auditor of public accounts in pursuance of the provisions of chapter six hundred and forty-two of the acts of eighteen hundred and ninety-five and eighteen hundred and ninety-six aforesaid, are hereby affirmed and continued in full force and virtue; and any payment of the taxes upon the shares of the capital stock of any banks or banking associations which have been made pursuant to the provisions of

section two of the act hereby amended and re-enacted are hereby declared to be valid payments of said taxes.

§ 3. It shall be lawful for any bank or banking association doing business in this State, whether organized under the laws of this State or of the United States, at any time within ten days from the passage of this act to pay to the auditor of public accounts any or all taxes assessed upon the shares of the capital stock of the stockholders of such bank or banking association prior to the year nineteen hundred and three and which remain due and unpaid to the Commonwealth.

§ 4. Unless the taxes on such shares, so assessed prior to the year nineteen hundred and three, and so unpaid and in arrear, shall be paid to the auditor of public accounts within ten days from the passage of this act by such bank or banking association, or by the owner or holder of such shares chargeable therewith, then the said taxes so in arrear, together with six per centum interest thereon from the first day of December in the year in which such unpaid taxes were respectively assessed and originally became due and payable, shall be collected in the manner hereinafter provided.

§ 5. If such taxes so assessed and due upon any of such shares shall not be paid to the auditor by such bank in the exercise of the privilege hereby conferred, or by the holder or owner of such shares within ten days from the passage of this act, it shall be the duty of the auditor of public accounts thereupon, within ten days, to notify the attorney-general, and to give him a copy of the lists of the stockholders of each of such banks and banking associations the taxes upon which are so unpaid, together with the date from which interest upon said taxes is due and payable, and the attorney-general shall thereupon proceed to collect said taxes, with interest thereon as aforesaid, from the several stockholders who are the owners or holders of the shares of stock chargeable with said unpaid taxes by motion in the circuit court of the city of Richmond, after ten days' notice to each of said stockholders, respectively. Such motion and the suits thus instituted shall be cognizable by said court, and said court is empowered to give full relief, and to give the defendants therein the benefit of any just and legal defense to which they may be entitled at law or in equity. The taxes due by any of said stockholders for more than one year may be embraced in and recovered by one suit, or in separate suits, as the attorney-general may find to be most desirable or convenient. Such notice may be served upon non-resident stockholders by personal service, either within or without this State, or by publication as provided in section thirty-two hundred and eight of the Code of Virginia; and any property of any such stockholder who is not a resident of this State may be subjected to sale by proceeding against it by attachment sued out in any such suit by the attorney-general, and the shares of stock of such non-resident stockholder may be subjected to sale, and any money of said stockholder in the bank in which he is a stockholder may be attached and subjected for the payment of said taxes. And said court is given power and jurisdiction to enforce the collection of said taxes in each case by appropriate orders, and to enforce the same against such shares or money or property of such resident or non-resident stockholder in this State, and

to give complete and effectual relief, but no bond shall in any case be required of the Commonwealth. But no personal judgment shall be rendered against any person who shall not have been duly served with such notice in this State.

§ 6. The attorney-general may cause a copy of the notice in any such case to be served upon the bank or banking association which issued the shares of stock upon which such taxes are due, together with a notice to said bank that it will be looked to to pay any sum for which judgment shall be rendered in said proceedings; and such notice, so served upon said bank or banking association, shall thereupon operate as a garnishee summons to said bank; and unless it shall show good cause against the same, judgment may be rendered by said court against said bank for the taxes so due upon the shares of its stock aforesaid, with interest thereon as aforesaid, and for the costs of such suit. Upon the satisfaction of any such judgment, such bank shall have the right to charge the amount so paid in discharge thereof to the stockholder whose shares were chargeable with such tax. Such bank shall have the right to show cause against any such motion, and to make any defense to the same in said proceeding which it may be entitled to make at law or in equity.

§ 7. The attorney-general may, if he deems it proper and advisable, instead of proceeding against such bank in said suit at law, institute and prosecute in said court one or more chancery suits against any such bank which issued the shares of stock upon which said unpaid taxes and the interest thereon are due, for the purpose of subjecting the shares of stock, money, or other assets of any stockholder of said bank, upon whose shares such taxes are due, to the payment of the same and interest thereon, as aforesaid, or for the purpose of requiring said bank to pay the same to the extent that it may be legally or equitably liable therefor by reason of any lien of the Commonwealth thereon, or by reason of the provisions of section seventeen of chapter two hundred and forty-four of the acts of the general assembly of Virginia, session of eighteen hundred and eighty-nine and eighteen hundred and ninety, as amended by chapter six hundred and sixty-nine of the acts of the general assembly of Virginia, session of eighteen hundred and ninety-five and eighteen hundred and ninety-six, approved March third, eighteen hundred and ninety-six, or by reason of any notice given to, or list filed with such bank by said auditor, or by any city or county treasurer, or by reason of any act done pursuant to the provisions of said act of March third, eighteen hundred and ninety-six. Such chancery suit may be instituted and prosecuted either as a cumulative or as a collateral remedy for the collection of such unpaid taxes.

§ 8. All liens in behalf of the State provided for and secured by section one of chapter six hundred and forty-two of acts of eighteen hundred and ninety-five and eighteen hundred and ninety-six aforesaid, and any other liens which the Commonwealth has acquired as a security for the ultimate collection of any such taxes, are hereby preserved and continued in force as though this act had not been passed.

§ 9. Any such taxes, with the interest thereon as aforesaid, and any costs of any suit which may have been brought by the attorney-general to

recover the same, may be paid to the said auditor by the bank which issued the shares upon which said taxes are due, or by the owner of such shares, or by any person for him, at any time after twenty days from the passage of this act; and thereupon any suit which may have been brought for the collection of the same shall be dismissed; or, if a judgment shall have been recovered therefor, the auditor or the attorney-general shall cause the same to be duly marked satisfied.

§ 10. This act shall be in force from its passage.

CHAP. 458.—An ACT to amend and re-enact sections 194, 197, 198, and 199, and to repeal sections 202 and 208 of chapter 15 of the Code of Virginia.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and ninety-four, one hundred and ninety-seven, one hundred and ninety-eight, and one hundred and ninety-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 194. Time and place of meeting of general assembly.—The general assembly shall meet in regular session on the second Wednesday in January, nineteen hundred and four, and on the second Wednesday in January of every alternate year thereafter. It shall sit at the capitol in the city of Richmond, but may adjourn to any other place.

§ 197. Civil proceedings for or against members and clerks, and their assistants, during session.—Any action, suit, or other civil proceeding, either in favor of or against a member of the general assembly, or the clerks thereof, or their assistants, may be commenced, but shall not, unless by their consent, be prosecuted to final judgment or decree during the session of the general assembly. But their person shall not be taken into custody or imprisoned under any civil process during the session of the general assembly, or the fifteen days next before the beginning or after the ending of any session.

§ 198. Privilege of members and clerks from arrest.—During the session of the general assembly, and for one day before and after the session for every twenty miles he must necessarily travel to or from his home, a member of the general assembly, the clerks thereof, and their assistants, shall be privileged from being taken into custody or imprisoned under any process except as provided in the following section.

§ 199. Qualification of privilege.—No member of the general assembly shall be privileged from arrest or imprisonment for treason, felony, or breach of the peace.

2. Be it further enacted, That sections two hundred and two and two hundred and eight of chapter fifteen of the Code are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 459.—An ACT to amend and re-enact section 1750 of the Code of Virginia, as amended and re-enacted by an act approved April 24, 1903.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and fifty of the Code of Virginia, as amended and re-enacted by an act approved April twenty-fourth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 1750. Who prohibited from practicing medicine or surgery without certificate; penalty for practicing illegally; what courts have jurisdiction to inflict.—No person who shall have commenced the practice of medicine or surgery in this State since the first day of January, eighteen hundred and eighty-five, or who shall hereafter commence the practice of the same, shall practice as a physician or surgeon for compensation without having first obtained a certificate from the State board of medical examiners and caused the same to be recorded as aforesaid, or a special permit from the president of said board. To open an office for such purpose, or to announce to the public in any way a readiness to practice medicine in any county or city of the State, or prescribe for or to give surgical assistance to, or to heal, cure, or relieve, or to attempt to heal, cure, or relieve, those suffering from injury or deformity or disease of mind or body, or to advertise or to announce to the public in any manner a readiness or ability to heal, cure, or relieve those who may be suffering from injury or deformity or disease of mind or body, shall be to engage in the practice of medicine within the meaning of this section: provided, that nothing in this section shall be construed to apply to or to limit in any manner the manufacture or sale of proprietary medicines, or apply to, affect, or interfere in any way with the operation of any hospital now established in this State, or any person while engaged in conducting such hospital, if there be a licensed physician resident and practicing therein, or to any person who commenced the practice of osteopathy in this State prior to January first, nineteen hundred and three. It shall also be regarded as practicing medicine within the meaning of this section if any one shall use in connection with his or her name the words or letters "Dr.," "doctor," "professor," "M. D." or "healer," or any other title, word, letter, or designation intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches; but this section shall not be construed to apply to non-itinerant opticians who are at this time engaged in the practice of optometry in this State nor to professional or other nurses. Any person who shall practice medicine or surgery in this State in violation of the provisions of this section shall be fined not less than fifty nor more than five hundred dollars for each offense; and it shall not be lawful for him to recover by action, suit, motion, or warrant in any of the courts of the State, any compensation for services which may be claimed to have been rendered by him as such physician or surgeon. The circuit and corporation courts shall have exclusive jurisdiction to try offenses for violations of the provisions of this section committed within their respective counties and corporations.

2. This act shall take effect on the first day of February, nineteen hundred and four.

CHAP. 460.—An ACT to authorize the sale of real estate held as curtesy or as dower, whether the remainder be vested or contingent, and whether the remaindermen be infants or adults.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That when real estate is held by a party as tenant by the curtesy, or in dower, whether the remainder be vested or contingent, and whether the remaindermen be infants or adults, it shall be lawful for the circuit and corporation courts, or such court having jurisdiction of the subject matter, upon a bill filed by the party holding such estate by curtesy or in dower, in which bill all persons directly or contingently interested shall be made defendants, to decree a sale of such real estate, or any part thereof, and to invest the proceeds of sale under the decree of the court for the use and benefit of the party so holding the estate subject to the rights of the remainderman: provided, however, that the bill of the plaintiff shall set forth the facts which, in his or her opinion, would justify the sale of the said real estate, and shall be verified by the affidavit of the party, and provided the court shall be of opinion that the interests of all parties will be promoted by such sale, and shall so certify in the decree: provided further, that sections twenty-four hundred and thirty-three, twenty-four hundred and thirty-four, twenty-four hundred and thirty-five, and twenty-four hundred and thirty-six of the Code of Virginia shall apply to the proceedings upon said bill.

2. This act shall be in force from its passage.

CHAP. 461.—An ACT to amend and re-enact title 12 of the Code of Virginia, in relation to the public debt.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That title twelve, chapter twenty-two, of the Code of Virginia, concerning the public debt, be amended and re-enacted so as to read as follows:

TITLE TWELVE.

Public Debt.

CHAPTER XXII.

Concerning the public debt.

§ 383. Statement of the State debt; commissioners of sinking fund to create bonds for same.

§ 384. Bonds; character; condition; amount to be issued.

§ 385. Bonds, when to be dated; interest, how paid, and in case of redemption, notice to be given.

§ 386. Form of bonds and coupon; exemption from taxation.

§ 387. Denomination of bonds.

- § 388. A. What may be exchanged for bonds.
- § 389. B. Verified obligation to be sealed and filed.
- § 390. C. Within what time funding to be accomplished.
- § 391. D. Ratio of new issue to old debt. West Virginia certificates not fundable.
- § 392. E. Fractional certificates.
- § 393. West Virginia's share; how accounted for; form of certificates.
- § 394. Recordation, by whom to be made.
- § 395. Obligations to be held for verification; exceptions; limit as to time.
- § 396. New bonds to be separately recorded.
- § 397. Refunded bonds to be destroyed.
- § 398. Sinking fund, the rate; and application of sinking fund.
- § 399. Fiduciary funds may be invested in these bonds.
- § 400. Coupons tendered for taxes; how to be received; conditions.
- § 401. Interest to be paid by treasurer.
- § 402. Plates to be property of State.
- § 403. Expenses; how paid.
- § 404. Repealing the act of February fourteenth, eighteen hundred and eighty-two, known as the Riddleberger bill, and supplemental acts.
- § 405. Time for funding may be extended.
- § 406. Fee for issuing bonds.
- § 407. No other bonds, et cetera, to be issued for State debt.
- § 408. Gold, silver, or bank notes only to be received for taxes; officer not to convert money into coupons.
- § 409. Officer to keep books showing amounts received in coupons, and from whom.
- § 410. Penalty for violating section four hundred and nine or four hundred and ten.
- § 411. Who are brokers.
- § 412. Chartered companies to pay taxes in money.
- § 413. Charter forfeited if taxes not paid in money.
- § 414. Attorney-general to institute proceedings to have charter forfeited.
- § 415. Officers and employees of treasurer's and auditor's offices not to leave office to testify; may give depositions; copies of books, et cetera, to be evidence.
- § 416. Board of indemnity.
- § 417. How indemnity to auditor allowed.
- § 418. Commissioners of sinking fund; their duties.
- § 419. Sinking fund, of what constituted.
- § 420. To be used in buying bonds.
- § 421. How amount to be expended is ascertained; bonds to be bought by sealed bids.
- § 422. How moneys of sinking fund paid into treasury; how paid out.
- § 423. Treasurer to receive and pay moneys of sinking fund; to report to general assembly.
- § 424. To keep register of coupons.
- § 425. Coupons to be compared with register monthly.

- § 426. Treasurer to cancel coupons received for taxes.
- § 427. Registry of certificates of debt.
- § 428. How certificates signed and paid.
- § 429. Who deemed owner of certificate.
- § 430. How certificates sold, et cetera.
- § 431. How transferred on books of office.
- § 432. Auditor may cancel old certificate and issue new.
- § 433. Where cancelled certificate to remain; how new certificate issued and registered.
- § 434. How lost certificate renewed.
- § 435. Executive may effect temporary loans.
- § 436. Board of education to keep certificates of West Virginia's share of the debt.

§ 383. Statement of the State debt; commissioners of sinking fund to create bonds for same.—The general assembly having passed an act entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February fourteenth, eighteen hundred and eighty-two," approved February twentieth, eighteen hundred and ninety-two, and having in the preamble of said act declared that—

Whereas, by a joint resolution of the general assembly of the State of Virginia, adopted on the third day of March, eighteen hundred and ninety, a commission was appointed on the part of Virginia to receive propositions for funding the debt of the State not funded under the act known as the "Riddleberger bill," approved February fourteenth, eighteen hundred and eighty-two, from a properly constituted representative of her creditors; and,

Whereas, said Virginia debt commission has submitted a report to the general assembly, wherein it appears that under a certain agreement, dated May twelfth, eighteen hundred and ninety, lodged with the Central Trust Company of New York, Frederick P. Olcott, William L. Bull, Henry Budge, Charles D. Dickey, junior, Hugh R. Garden, and John Gill, constituting a committee for certain of the creditors of Virginia, called the "bondholders' committee," have proposed to said commission to surrender to the State in bulk not less than twenty-three million of dollars of the public debt, unfunded under said act approved February fourteenth, eighteen hundred and eighty-two, in exchange for an issue of new bonds, as hereinafter specified, the same to be apportioned between the several classes of creditors by a tribunal which the said creditors have themselves appointed; and that, in pursuance of said proposal, an agreement has been entered into unanimously between the said commission and the said bondholders' committee, subject to approval by the general assembly, whereby in exchange for the said unsettled obligations of the State held by the public, which were issued prior to February fourteenth, eighteen hundred and eighty-two (exclusive of evidences of debt held by

the public institutions of the Commonwealth pursuant to law and by the United States), together with the interest thereon to July first, eighteen hundred and ninety-one, inclusive, aggregating about twenty-eight million of dollars, there shall be issued nineteen million of dollars of new bonds, dated July first, eighteen hundred and ninety-one, and maturing one hundred years from said date, with interest thereon at the rate of two per centum per annum for ten years from said first day of July, eighteen hundred and ninety-one, and three per centum per annum for ninety years thereafter to the date of maturity, said interest to be payable semi-annually; of which aggregate debt of about twenty-eight million of dollars the said bondholders' committee represent that they now hold and agree to surrender not less than twenty-three million of dollars; and,

Whereas, said report and agreement contemplate the surrender of the obligations held by the bondholders' committee as an entirety, and do not contemplate an apportionment by the general assembly between the various classes of creditors so represented by said bondholders' committee, the same having been committed to a distributing tribunal, as hereinbefore recited; and,

Whereas, it is the desire and intention of the general assembly that a settlement of all the other outstanding obligations of the State (except those issued under the act of February fourteenth, eighteen hundred and eighty-two, the evidences of debt held by the public institutions of the State in pursuance of law and by the United States), as well as those controlled by the bondholders' committee as aforesaid, shall be made under the provisions of this act; therefore,

§ 384. Bonds; character; condition; amount to be issued.—The commissioners of the sinking fund, a majority of whom may act, are hereby empowered and directed to create "listable" engraved bonds, registered and coupon, to such an extent as may be necessary to issue nineteen million of dollars of bonds in lieu of the twenty-eight million dollars of outstanding obligations not funded under the act approved February fourteenth, eighteen hundred and eighty-two, hereinbefore recited.

§ 385. Bonds; where to be dated; interest, how paid; and in case of redemption, notice to be given.—The said bonds shall be dated July first, eighteen hundred and ninety-one, and be payable at the office of the treasurer of the State, or at such agency in the city of New York as may be designated by the State, on the first day of July, nineteen hundred and ninety-one, and shall bear interest from date, payable semi-annually on the first days of January and July in each year, at the rate of two per centum per annum for the first ten years and three per centum per annum for the remaining ninety years; the said interest may be payable in Richmond, New York, and London, or at either place, as may be designated by the State: provided, that the State may at any time, and from time to time after July first, nineteen hundred and six, redeem at par any part of the principal with accrued interest. In case of such redemption before maturity, the bonds to be paid shall be determined by lot by said commissioners of the sinking fund, and notice of the bonds so selected to be paid shall be given by publication, beginning at least ninety days prior to an interest-due date in a newspaper published in Richmond, Virginia, one in New York city, and one in London, England; and the

interest from and after the next succeeding interest-due date shall cease upon the bonds so designated to be paid: provided, that no registered bonds shall be so redeemed while there are any coupon bonds outstanding

§ 386. Form of bonds and coupons; exemption from taxation.—The form of the bonds shall be substantially as follows, to-wit:

Issued under act of assembly, approved _____ day of _____, eighteen hundred and ninety-two.

The Commonwealth of Virginia acknowledges herself to be indebted to _____ (in case of a coupon bond to the bearer, and in case of a registered bond inserting the name of a person or corporation, or assigns), in the sum of _____ dollars, which she promises to pay in lawful money of the United States, at the office of the treasurer of the State, or at such agency in the city of New York as may be designated by the State, on the first day of July, nineteen hundred and ninety-one, with the option of payment at par, with accrued interest, before maturity at any time after July first, nineteen hundred and six, and interest, at the office of the treasurer of the State, or at the agencies of the State in New York city and London, England, or at either place, as may from time to time be designated by the State, in such lawful money aforesaid, at the rate of two per centum per annum for ten years from the first day of July, eighteen hundred and ninety-one, and at the rate of three per centum per annum thereafter until paid, payable semi-annually on January first and July first in each year (according to the tenor of the annexed coupon bearing the engraved signature of the treasurer of the Commonwealth in case of coupon bonds). And this obligation is hereby made exempt from any taxation by the said Commonwealth of Virginia, or any county or municipal corporation thereof.

In testimony whereof, witness the signature of the treasurer and the countersignature of the second auditor of the Commonwealth of Virginia, hereto affixed according to law.

(Seal)

_____, Treasurer.

_____, Second Auditor.

The form of coupon for coupon bonds shall be substantially as follows, to-wit:

On the first day of _____ the Commonwealth of Virginia will pay to bearer _____ dollars in lawful money of the United States, at the office of the treasurer of the State, or at the agencies of the State in New York city and London, England, or at either place, as may be designated by the State; the same being six months' interest on bond number —, _____ dollars.

_____, Treasurer.

Each coupon to be impressed on the back with its number, in order of maturity, from number one consecutively.

§ 387. Denominations of bond.—Said commissioners of the sinking fund are authorized to issue coupon bonds in denominations of five hundred and one thousand dollars each, as may be necessary to carry out the provisions of this act: provided, that registered bonds may be issued of the denominations of one hundred dollars, five hundred dollars, one thousand dollars, five thousand dollars, ten thousand dollars; and they are authorized and directed to issue said bonds, registered or coupon, in ex-

change for the said outstanding obligations up to and including July first, eighteen hundred and ninety-one (exclusive of evidences of debt held by public institutions of the Commonwealth as aforesaid and by the United States), as follows:

§ 388. What may be exchanged for bonds.—A. Said bondholders' committee may at any time on or before the thirtieth day of June, eighteen hundred and ninety-two, present to said commissioners for verification bonds and other evidences of debt, and coupons or other evidences of interest thereon, obligations of the State of Virginia, held by said committee, for exchange as aforesaid; and said commissioners shall determine whether the obligations so presented are genuine obligations of the State and whether the coupons or other evidences of interest represent interest accrued on such obligations (exclusive of evidences of debt held by public institutions of the Commonwealth as aforesaid and by the United States).

§ 389. Verified obligations to be sealed and filed.—B. Such of the obligations so presented for verification as may be determined by said commissioners to conform to the requirements of section three hundred and eighty-eight hereof shall be sealed in convenient packages as the examination proceeds. Each of the packages shall be numbered, and upon each package shall be endorsed the amount and character of the obligations therein contained. Such endorsement on each package shall be signed by said commissioners or a majority thereof, and the package shall then be delivered to said committee or its agent. Said commissioners shall keep in a book to be provided for the purpose a record of the numbers of all such packages and of the amount and character of the obligations contained in each. Such obligations presented by said bondholders' committee as do not conform to the requirements of section three hundred and eighty-eight hereof shall be returned to said committee; but said commissioners shall keep a record thereof in the book aforesaid.

§ 390. Within what time funding to be accomplished.—C. After said bondholders' committee shall have presented to said commissioners for verification bonds and other evidences of debt and coupons, or other evidences of interest thereon accrued on or before July first, eighteen hundred and ninety-one, obligations of the State of Virginia, all conforming to the requirements of section three hundred and eighty-eight hereof, as determined by said commissioners, and amounting in the aggregate to not less than twenty-three million of dollars, after deducting one-third of the principal and interest of such obligations as were issued prior to the thirtieth day of March, eighteen hundred and seventy-one, and also deducting one-third of the principal and interest of such obligations as were issued under the act approved the thirtieth day of March, eighteen hundred and seventy-one, as do include West Virginia's proportion, said bondholders' committee may at any time on or prior to the thirtieth day of June, eighteen hundred and ninety-two, present the same in bulk to said commissioners for surrender and exchange as herein provided. All coupons matured or to mature on coupon bonds after July first, eighteen hundred and ninety-one, or coupons of like class and amount, or the face value thereof in cash, shall be surrendered with such bonds, the said cash to be returned if proper coupons are subsequently tendered. And when the

said bondholders' committee shall have presented for exchange the obligations aforesaid to an amount of twenty-three million of dollars or more, if the engraved bonds hereinbefore authorized are not ready for exchange, the said commissioners shall, upon application of said bondholders' committee, issue to said bondholders' committee a manuscript registered bond of the State of Virginia, substantially of the form of the bond hereinbefore specified, for the aggregate amount to which the said committee may be entitled for the obligations so presented under this act, the said bond to be exchangeable for the engraved bonds aforesaid of character and amount required by said committee, as prescribed in this act, and interest in the meantime on said manuscript bond shall be paid as herein provided for on the engraved bonds.

§ 391. Ratio of new issue to old debt; West Virginia securities not fundable.—D. The said new bonds shall be issued to said bondholders' committee by the said commissioners in the following proportion, to-wit: Nineteen thousand dollars of the new bonds to be created under this act shall be issued for every twenty-eight thousand of old outstanding obligations (principal and interest to July first, eighteen hundred and ninety-one), as aforesaid, surrendered by said bondholders' committee to the said commissioners, after deductions provided for in section three hundred and ninety hereof; and a proportionate amount of said new bonds shall be issued for smaller sums of said outstanding obligations so surrendered: provided, that no certificates issued on account of the proportion of West Virginia of the obligations of the State shall be funded under this act. When said bondholders' committee shall have surrendered and exchanged such obligations as aforesaid to the amount of at least twenty-three million dollars, said committee may at any time thereafter, up to and including the thirtieth day of June, eighteen hundred and ninety-two, present to said commissioners for verification, surrender, and exchange additional obligations, principal and interest, as aforesaid; all coupons matured or to mature on coupon bonds after July first, eighteen hundred and ninety-one, or coupons of like class and amount, or the face value thereof in cash, to be presented with such bonds, the cash, if paid, to be returned if proper coupons are subsequently tendered. After said commissioners shall have determined that said obligations conform to the requirements of section three hundred and eighty-eight hereof, said commissioners shall accept the obligations so presented for surrender and exchange by said committee, and shall deliver to said committee in exchange therefor new bonds issued under the provisions of this act in the same proportion as is set out in this section, after making the deductions provided for in section three hundred and ninety.

§ 392. Fractional certificates.—E. If on making the exchange provided for in this act said committee shall be found entitled to a fractional amount or amounts less than one hundred dollars in addition to the new bonds delivered to it, said commissioners of the sinking fund shall issue to the committee a certificate or certificates for such amount or amounts. Such fractional certificates shall be exchangeable for the bonds authorized by this act to be issued in sums of one hundred dollars, or any multiple thereof, and certificates of like character shall be issued for any fractional amount which may remain in making the exchange.

§ 393. West Virginia's share; how accounted for; form of certificate.—For all balances of the indebtedness, constituting West Virginia's share of the old debt, principal and interest, in the settlement of Virginia's equitable share of the bonds authorized to be exchanged under this act, the said share having been heretofore determined by the Commonwealth of Virginia, the said commissioners shall issue certificates substantially in the following form, namely:

Number ——. The Commonwealth of Virginia has this day discharged her equitable share of the (registered or coupon, as the case may be) bond for ——— dollars, dated ——— day of ———, and number ———, leaving a balance of ——— dollars, with interest from ———, to be accounted for to the holder of this certificate by the State of West Virginia without recourse upon this Commonwealth.

Done at the capitol of the State of Virginia this ——— day of ———, eighteen hundred and ninety-two.

————, Second Auditor.
 ———, Treasurer.

§ 394. Recordation; by whom made.—The certificates so issued under sections three hundred and ninety-two and three hundred and ninety-three of this act shall be recorded by the second auditor in a book kept for that purpose, giving the date and number of the transaction to which it refers, the amount of certificates, and the name of the person or corporation to whom issued and delivered; and as such certificates, authorized by section three hundred and ninety-two hereof are exchanged, the same shall be cancelled and preserved as herein provided in respect to the evidences of debt refunded.

§ 395. Obligations to be held for verification; exceptions; limit as to time.—The commissioners of the sinking fund are hereby authorized and required to receive on deposit for verification, classification, and exchange such of the said obligations of the State as may be presented to said commissioners: provided, that said commissioners shall not receive on deposit for the purposes aforesaid any outstanding obligations of the State which have been once deposited with the bondholders' committee, or may be hereafter deposited with them; the said verification and exchange for the new bonds of the obligations so deposited to be conducted in the same manner as hereinbefore provided with respect to the obligations deposited with the said bondholders' committee, and the said commissioners of the sinking fund shall issue to and distribute amongst said depositing creditors, after they have fully complied with the terms of this act, in exchange for the obligations so deposited, bonds authorized by this act as follows, namely: To each of the several classes of said depositing creditors the same proportion, as nearly as may be found in their judgment practicable by the commissioners of the sinking fund, as the same class receive under the distribution which shall be made by the commission for the creditors represented by the bondholders' committee: provided, that no obligations shall be received for such deposit after the thirty-first day of December, nineteen hundred and three, nor shall any coupon bonds be received which do not have attached thereto all the coupons maturing after July first, eighteen hundred and ninety-one; for

any such coupons as may be missing, coupons of like class and amount, or the face value thereof in cash, may be received; the said cash, if paid, to be returned if proper coupons are subsequently tendered; and each depositor shall, when he receives his distributive share of the said bonds, pay to the commissioners of the sinking fund three and one-half per centum in cash of the par value of the bonds received by him, or a commission equal in amount to that which may at any time hereafter be fixed by the said committee of bondholders upon any bonds deposited with them, not, however, in any case to exceed three and one-half per centum; and said sinking fund commissioners shall cover the fund thus received into the treasury of the Commonwealth.

§ 396. New bonds to be separately recorded.—All the coupon and registered bonds issued under this act shall be separately recorded by the second auditor in books provided for the specific purpose, in each case giving the date, number, amount of obligations issued, and the name of the person or corporation to whom issued, and the date, number, amount, and description of the obligations surrendered.

§ 397. Refunded bonds to be cancelled.—All the bonds and certificates of debt, and evidences of past due and unpaid interest, taken in under the provisions of this act, shall be cancelled by the treasurer in the presence of the commissioners of the sinking fund, or a majority thereof, as the same are required, and by him carefully preserved, subject to disposition by the general assembly; a schedule of the bonds, certificates, and other evidences of debt so cancelled shall be certified by said commissioners and filed by the treasurer for preservation.

§ 398. Sinking fund; the rate and application of sinking fund.—In the year nineteen hundred and ten, and annually thereafter, there shall be set apart of the revenue collected from the property of the State each year up to and including the year nineteen hundred and twenty-nine, one-half of one per centum upon the bonds issued under this act, as well as upon the outstanding bonds issued under act approved February fourteenth, eighteen hundred and eighty-two; and in the year nineteen hundred and thirty, and annually thereafter until all the bonds issued under this act and the said act approved February fourteenth, eighteen hundred and eighty-two, are paid, there shall be set apart of the revenue collected from the property of the State each year one per centum upon the outstanding bonds issued under the aforesaid acts, which shall be paid into the treasury to the credit of the sinking fund, and the commissioners of the sinking fund shall annually, or oftener, apply the same to the redemption or purchase (at a rate not above par and accrued interest) of the bonds issued under the aforesaid acts, and the bonds so redeemed shall be cancelled by the said commissioners and the same registered by the second auditor in a book to be kept for that purpose, giving the number and date of issue, the character, the amount, and the owner at the time of purchase of the bonds so redeemed and cancelled; and in case no such purchase of bonds can be made, then the amount which can be redeemed shall be called in by lot, as provided in section two of this act. All bonds of the State issued under the provisions of the act aforesaid, approved February fourteenth, eighteen hundred and eighty-two, and now held by said

commissioners of the sinking fund, shall, as soon as at least fifteen million of dollars of new bonds shall have been issued and delivered pursuant to the provisions of this act, be cancelled by said commissioners and preserved in the office of the treasurer of the Commonwealth.

§ 399. Fiduciary funds may be invested in these bonds.—Executors, administrators, and others acting as fiduciaries may participate in the settlement of the debt herein specified in the manner hereinbefore provided, and such action shall be deemed a lawful investment of their trust fund. Executors, administrators, and others acting as fiduciaries may invest in the bonds issued under this act, and the same shall be considered a lawful investment.

§ 400. Coupons tendered for taxes; how to be received; conditions.—All coupons heretofore tendered for taxes and held by said taxpayers in pursuance of such tender shall be received in payment of the taxes for which they were tendered, and upon their delivery to the proper collector, or the amount thereof in money, with interest from date of such tender (acts eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, page three hundred and sixteen), the judgments obtained against the said taxpayers for such taxes shall be marked satisfied: provided, the said taxpayers shall have paid in money, and not in coupons, the costs of said judgments. All coupons heretofore tendered for taxes and held by the officers of the Commonwealth for verification, in pursuance of the statute in such case made and provided, shall be received in payment of the taxes for which they were tendered, and the money collected for such taxes returned to the parties from whom it was received: provided, the said taxpayers shall have paid in money, and not in coupons, all costs incurred in legal proceedings to verify said coupons.

§ 401. Interest to be paid by treasurer.—The treasurer of the Commonwealth is authorized and directed to pay the interest on the bonds issued under this act as the same shall become due and payable out of any money in the treasury not otherwise appropriated.

§ 402. Plates property of the State.—The plates from which the bonds and fractional certificates authorized by this act are printed shall be the property of the Commonwealth.

§ 403. Expenses; how paid.—All necessary expenses incurred in the execution of this act shall be paid out of any money in the treasury not otherwise appropriated on the warrants of the auditor of public accounts, drawn upon the treasury on the order of the commissioners of the sinking fund.

§ 404. Repealing the Riddleberger legislation.—The act entitled “an act to ascertain and declare Virginia’s equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon,” approved February fourteenth, eighteen hundred and eighty-two, and the amendments thereto, to-wit: an act entitled “an act to declare the true intent and meaning of, and to amend and re-enact section five of chapter eighty-four of acts eighteen hundred and eighty-two, approved February fourteenth, eighteen hundred and eighty-two,” approved August twenty-seventh,

eighteen hundred and eighty-four, and the act entitled "an act to amend and re-enact an act approved August twenty-seventh, eighteen hundred and eighty-four, entitled an act to declare the true intent and meaning of, and to amend and re-enact section five of chapter eighty-four of acts of eighteen hundred and eighty-one and eighteen hundred and eighty-two, approved February fourteenth, eighteen hundred and eighty-two," approved November twenty-ninth, eighteen hundred and eighty-four, are hereby repealed.

§ 405. Time for funding may be extended.—The commissioners of the sinking fund are authorized, if it shall seem to them for the best interest of the Commonwealth, to make a further extension of the time for the funding of the said twenty-eight million of dollars of outstanding evidences of debt for a period not exceeding six months from the thirty-first day of December, nineteen hundred and three.

§ 406. Exchange and transfer of bonds and fee for issuing bonds.—The commissioners of the sinking fund are authorized to exchange coupon bonds issued under this act into registered bonds in the denominations hereinbefore provided, and to arrange for the transfer of registered bonds. For every bond so issued in exchange a fee of fifty cents shall be charged by and paid to the second auditor; and shall, upon his order, be covered into the treasury to the credit of the sinking fund; and bonds so taken in exchange shall be cancelled in the manner hereinbefore prescribed.

§ 407. No other bonds, et cetera, to be issued for State debt.—No bonds, certificates, or other evidences of indebtedness shall be issued for any portion of the debt of this State, nor shall any interest be paid thereon, except as hereinbefore provided.

§ 408. Gold, silver, or bank notes only to be received for taxes; officer not to convert money into coupons.—It shall not be lawful for any officer charged with the collection of taxes, debts, or other demands of the State to receive in payment thereof anything else than gold or silver coin, United States treasury notes, or national bank notes; or to convert any moneys received by him into coupons, either directly or indirectly, by purchase, exchange, or otherwise; but he shall account to the treasury of the State in money, or by check or draft, for all taxes, debts, or other demands of the State received by him in money; nor shall it be lawful for such officer to purchase coupons for the purpose of the sale thereof, or to sell the same during his continuance in office.

§ 409. Officer to keep books showing amounts received in coupons, and from whom.—Every such officer shall preserve upon the books of his office a statement showing the amounts received by him in coupons, and the parties from whom received, which shall be open to the inspection of any one desiring to examine the same, and he shall accompany any settlement made by him with a sworn statement of the aggregate amount collected by him in coupons.

§ 410. Penalty for violating sections four hundred and eight and four hundred and nine.—Every violation of the provisions of either of the two preceding sections shall be deemed a misdemeanor, and upon conviction thereof, the offender shall be fined not less than one hundred nor more than one thousand dollars, and, at the discretion of the jury, be confined in jail not exceeding thirty days.

§ 411. Who are brokers.—Any party buying and selling such coupons shall be deemed a broker within the meaning of the license laws of this State.

§ 412. Chartered companies to pay taxes in money.—Every corporation hereafter chartered by the general assembly, or under the laws thereof, and every corporation now in existence, whose charter shall hereafter be amended, renewed, or extended, shall pay in current money of the United States all its taxes and other demands against it due the State, and every such charter shall be granted upon the express condition that such taxes and other demands shall be so paid, although such condition be not set out in said charter.

§ 413. Charter forfeited if taxes not paid in money.—If any such corporation, or any other corporation whose charter is subject to repeal under the general laws of this Commonwealth, or by the express provisions of its own charter, shall pay its taxes or other demands against it due the State, or any part thereof, in any other thing than current money of the United States, the said corporation shall forfeit all the rights, privileges, and franchises granted it by its said charter.

§ 414. Attorney-general to institute proceedings to have charter forfeited.—The auditor of public accounts, whenever the returns or records in his office show that such corporation has paid its taxes or other demands against it due the State, or any part thereof, in any other thing than current money of the United States, shall give notice thereof to the attorney-general, who shall forthwith institute the proper legal proceedings to have the charter of said corporation declared forfeited.

§ 415. Officers and employees of treasurer's and auditor's offices not to leave office to testify; may give depositions; copies, books, et cetera, to be evidence.—No officer, clerk, or employee of the treasurer's office, office of the auditor of public accounts, or of the second auditor, shall be required to leave his office for the purpose of testifying in any suit, action, or other civil proceeding involving the genuineness of a coupon tendered in payment of taxes, debts, or other demands due the State, nor shall any book, record, or paper belonging to either of the said offices be taken therefrom to be used as evidence in any such suit, action, or proceeding; but the deposition of either of said officers, clerks, or employees may be taken, provided the same be taken in other than office hours, and a copy of any such book, record, or paper, in either of said offices, attested as provided in section thirty-three hundred and thirty-four, may be admitted as evidence in lieu of the original.

§ 416. Board of indemnity.—Upon the application of any officer charged with the duty of collecting taxes, debts, or demands of the State, a board, consisting of the attorney-general, secretary of the Commonwealth, auditor of public accounts, second auditor, and treasurer, shall be authorized to ascertain and allow such officer such sum of money as they may deem just and proper, to cover any liability and expense incurred by, and any loss or damage accrued to him as the result of his collecting or attempting to collect such taxes, debts, or demands. For the amount so allowed the auditor of public accounts shall draw his warrant upon the treasurer in favor of such officer, and the same shall be paid out of any money in the treasury not otherwise appropriated; but no

such allowance shall be made unless the board be satisfied that the officer used due diligence in protecting and defending the interests of the Commonwealth in the matter touching which such allowance is asked for.

§ 417. How indemnity to auditor allowed.—If any such allowance be applied for by the auditor, it shall be competent for the other members of the board to pass upon and allow the same; but the auditor shall not act as a member of said board in passing upon his own claim.

§ 418. Commissioners of sinking fund; their duties.—The treasurer, auditor of public accounts, and the second auditor shall constitute and be known as “the commissioners of the sinking fund,” and have the control and management thereof. Any two of them shall constitute a quorum. They shall keep a regular and sufficient set of books, wherein shall be recorded all of their proceedings, showing their receipts and disbursements and the condition of the fund, of which they shall make report to the general assembly at each regular session thereof. Their books and papers shall be kept in the office of the second auditor and the bonds in the office of the treasurer.

§ 419. Sinking fund, of what constituted.—The bonds of the State of Virginia purchased prior to the thirty-first day of March, eighteen hundred and seventy-five, by the commissioners of the sinking fund, which was established under the act of assembly passed March thirtieth, eighteen hundred and seventy-one, known as the funding act; all bonds received prior to that date by the State on account of debts due to her, or on account of the disposition of her interest in any of the railroad or other internal improvement companies since the thirtieth day of March, eighteen hundred and seventy-one, the bonds received from the following sources being included: From the Richmond and Danville Railroad Company, eight hundred and twelve thousand four hundred and seventeen dollars and forty-four cents; from the Richmond and Petersburg Railroad Company, five hundred and thirty-one thousand two hundred and fifty-seven dollars and seventy cents; from the Orange and Alexandria Railroad Company, eight hundred and seventy-four thousand six hundred and fifty-seven dollars and thirty-one cents; from the Norfolk and Petersburg Railroad Company, one hundred and forty-four thousand twenty-four dollars and forty-nine cents; from the sale of the desert tract of land, sixteen thousand dollars; from the Dismal Swamp Canal Company, twenty-four thousand eight hundred and thirty-nine dollars and ninety-eight cents; from the Richmond and Danville Railroad Company, on account of interest, sixty-four thousand two hundred and twelve dollars and ninety-eight cents; from the board of public works, on account of claims against Selden, Withers and Company, the Chesapeake and Ohio Canal Company, one hundred and forty thousand eight hundred and fifty-three dollars; also the bonds of the State in the hands of the auditor of public accounts on the thirty-first day of March, eighteen hundred and seventy-five, which were received by him in settlement of claims due to the State, amounting to forty-six thousand four hundred and thirteen dollars and five cents; and the principal and accumulated interest of the bonds held by the commissioners of the sinking fund, which was established by the act of assembly passed March twenty-sixth, eighteen hundred and fifty-three; whatever may have been realized from the claims of the

State against Selden, Withers and Company; from the Chesapeake and Ohio Canal Company; from the Richmond and Danville Railroad Company; from dividends and interest heretofore paid by any railroad or other internal improvement company upon stocks or bonds owned by, or debts due, the State; from the sale or other disposition of said stocks or bonds, except the sum of five hundred thousand dollars paid by the Norfolk and Western Railroad Company; whatever has been since the thirty-first day of March, eighteen hundred and seventy-five, or may be hereafter realized from any claim of the State against the United States from the sale, rent, or profit of any real estate owned by the State on the thirty-first day of March, eighteen hundred and seventy-five; all damages which have been since the thirty-first day of March, eighteen hundred and seventy-five, or may hereafter be recovered by the State against defaulting revenue collectors; the stock owned by the State in and its entire claim against the Richmond, Fredericksburg and Potomac Railroad Company, including obligations or dues on account of unpaid dividends; and all sums paid into the treasury to the credit of the sinking fund under the act of March thirty-first, eighteen hundred and seventy-five, shall constitute the sinking fund of the State.

§ 420. To be used in buying bonds.—Any money in the treasury to the credit of the sinking fund, and any money which may be derived from the sale of any stocks and securities now held in the treasury of Virginia, shall annually, or as often as occasion may require, be applied by the commissioners to the purchase, at market rates (not, however, exceeding the par value), of bonds issued under the act of February fourteenth, eighteen hundred and eighty-two, or under the act of February twentieth, eighteen hundred and ninety-two.

§ 421. How amount to be expended is ascertained; bonds to be bought by sealed bids.—It shall be the duty of the commissioners of the sinking fund to meet on the second Tuesday of February, eighteen hundred and ninety-four, and on the first Monday in every month thereafter, to determine at each of such meetings what, if any, sum can be spared from the treasury, after making ample allowances for all the expenses of the government and the public schools, and for the payment of the interest upon the bonds of the State issued under the act approved February fourteenth, eighteen hundred and eighty-two, and under the act approved February twentieth, eighteen hundred and ninety-two, and upon the certificates issued under the act approved February twenty-third, eighteen hundred and ninety-two. If it be determined by said commissioners that there be a surplus in the treasury, after making due allowance as aforesaid, for the government and school expenses, and interest upon said bonds and certificates so issued, they shall certify to the treasurer of the Commonwealth that such sum, not exceeding one hundred thousand dollars in each month, as they may so determine, may be drawn from the treasury and invested as herein provided: except that at the October meeting or first meeting of said board after the close of each fiscal year, the said board of sinking fund commissioners may, in their discretion, draw from the treasury for the purchase of State bonds not exceeding sixty per centum of whatever balance there may be at that time in the treasury of the State, and not specifically or otherwise appropriated.

The commissioners of the sinking fund shall, immediately after their first meeting, or any subsequent meeting, at which they may determine to buy bonds, advertise in at least one daily newspaper published in the cities of Richmond, New York, and Baltimore, that they will receive offers for the sale of such amount of the bonds issued under the act of February fourteenth, eighteen hundred and eighty-two, or February twentieth, eighteen hundred and ninety-two, as in their judgment the sum placed to their credit will enable them to purchase, and that such offers may be made up to and including the nineteenth day of the current month.

All such offers shall be made in writing; shall be sealed, and shall be opened by the said commissioners, or a majority of them, on the twentieth or the month, at noon, in the presence of the governor of the Commonwealth, or in the event of his absence, in the presence of the secretary of the Commonwealth.

If the twentieth of the month falls on Sunday or a legal holiday, the said offers shall be opened on the next day which is not a legal holiday: provided, that the said commissioners shall have authority to reject any and all bids made from month to month: provided, that the said commissioners may invest in the purchase of said bonds the aggregate funds ascertained by them in the mode prescribed by section four hundred and twenty of this act to be used for that purpose whenever said commissioners deem it to the interest of the State.

All bonds purchased under this section shall be listed on the minutes of the board, which list shall show the number and the denomination of each bond purchased in each month. All bonds purchased under this act shall at once be converted into registered bonds in the name of the commissioners of the sinking fund, which, when so converted, shall be delivered to the treasurer, who shall label and file the same in his office for safe-keeping. No coupon bond shall be purchased under this act unless all the unmatured interest coupons shall be attached thereto, and the bonds so purchased shall be held as security for the payment of the interest on the public debt of the State as it shall or may have accrued when funded under the acts aforesaid, and the same may be resold when necessary by the commissioners of the sinking fund, and the proceeds of such resale be used whenever the finances of the State may so require: provided, that said commissioners may, in their discretion, from time to time, when money is required to pay interest upon the debt aforesaid, borrow money upon temporary loans for such purpose and deposit such bonds as they have acquired under this act as collateral for such temporary loans.

§ 422. How moneys of sinking fund paid into treasury; how paid out.—All moneys belonging to the sinking fund shall be paid into the treasury on the warrant of the second auditor, and shall be paid out in like manner when authorized by the commissioners.

§ 423. Treasurers to receive and pay moneys of sinking fund; to report to general assembly.—The treasurer shall receive and pay the moneys belonging to the sinking fund as hereinbefore provided. He shall keep a distinct account of the same, and report to each session of the general assembly the aggregate receipts and disbursements on account thereof up

to the first of October or first of January, as the case may be, preceding each session of the general assembly, and the balance remaining unexpended at such time.

§ 424. To keep register of coupons.—The treasurer shall continue to keep registers of all coupons issued since July first, eighteen hundred and seventy-one, according to class, denomination, number, and time when due. In the column of "time when due," and opposite the "number" thereof, he shall have posted the number of the warrant and its date of issue for the payment of every coupon which is redeemed or paid; and he shall cause to be cancelled the columns of "time when due" after the date of a transfer of a coupon bond into some other class or denomination of bonds, and prior to the issue of new numbers of coupon bonds.

§ 425. Coupons to be compared with register monthly.—He shall compare monthly the coupons cut off in his office with the coupon register and the orders for transfer from the second auditor's office, in conjunction with the second auditor and the secretary of the Commonwealth. Coupons, after having been thus compared and cancelled on the coupon register and found correct, may be destroyed.

§ 426. Treasurer to cancel coupons received for taxes.—The treasurer shall cancel all coupons which may be paid or received in payment of taxes, debts, or demands of the State by causing three holes to be punched through the same in some uniform mode, with an instrument to be provided by the governor.

§ 427. Registry of bonds and certificates of debt.—The bonds and certificates of debt now registered in the second auditor's office shall continue registered therein. In the book containing such registry reference shall be made to the special act authorizing the loan.

§ 428. How bonds and certificates signed and paid.—Every such bond and certificate shall be signed by the treasurer and countersigned by the second auditor. All payments on account thereof shall be made upon the warrants of the second auditor.

§ 429. Who deemed owner of bond or certificate.—The person appearing on the books of the office in which any bond or certificate is registered as the owner thereof shall be deemed the owner as it regards the Commonwealth, so as to make valid all payments by the Commonwealth on account thereof to such person, or his personal representative, made before a transfer of the bond or certificate on the books of the said office.

§ 430. How bonds and certificates sold, et cetera.—But if the person so appearing on the books as owner shall, bona fide, and for valuable consideration, sell, pledge, or otherwise dispose of such bond or certificate to another, and deliver to him the bond or certificate, with a power of attorney authorizing the transfer thereof to him on the books of the proper officer, the title of the former in the said bond or certificate (both at law and in equity) shall vest in the latter for the whole amount of the bond or certificate, or so much thereof as may be necessary to effect the purpose of the sale, pledge, or other disposition; and it shall so vest, not only as between the parties themselves, but also as against the creditors of and subsequent purchasers from the former, subject to the preceding section.

§ 431 How transferred on books of office.—Upon the delivery of the

said bond or certificate at the office in which it is registered, a transfer may be made on the books of the said office, either of the whole amount or of any part thereof, by the person appearing on the said books as the owner or by another having a power of attorney from him, duly authenticated, authorizing such transfer. Upon a transfer, the former bond or certificate shall be cancelled, and one or more new bonds or certificates shall be issued, not exceeding together the amount of that cancelled. But no transfer shall be made on the said books after the fifteenth day of December or fifteenth day of June until the first day of January or the first day of July.

§ 432. Auditor may cancel old bonds or certificates and issue new.—The auditor, in whose office any bond or certificate is registered, shall, when applied to, cancel it and issue new bonds or certificates, not exceeding together the amount of the former.

§ 433. Where cancelled bonds and certificates to remain; how new bonds and certificates issued and registered.—Every cancelled bond or certificate shall remain filed in the treasurer's office. Every new bond or certificate shall be registered, signed, and countersigned like the former bond or certificate.

§ 434. How lost bond or certificate renewed.—When any bond or certificate shall be lost by the holder thereof, he may produce to the auditor, in whose office the said bond or certificate is registered, proof of his having advertised the same once a week for four successive weeks in a newspaper; file in the office of the said auditor an affidavit, setting forth the time, place, and circumstance of the loss, and execute a bond to the Commonwealth, with one or more sureties, approved by the said auditor, with condition to indemnify all persons against any loss in consequence of issuing a new bond or certificate in place of the one so lost; and thereupon the said auditor may issue a new bond or certificate and register the same.

§ 435. Executive may effect temporary loans.—The executive shall have authority to raise, from time to time, by temporary loans, so much as may be needed to supply the wants of the treasury, to be refunded by warrants of the auditor of public accounts within twelve months from the time when said loans are made.

§ 436. Board of education to keep certificates of West Virginia's share of the debt.—The certificates given for the third of the bonds set apart for West Virginia's portion of the debt held by the literary funds shall be safely deposited and kept by the board of education, subject to the provisions of any settlement which may be had between this State and the State of West Virginia in reference to the public debt of Virginia created prior to the formation of the State of West Virginia.

2. All acts and parts of acts in conflict or inconsistent with this act or any part thereof are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 462.—An ACT to amend and re-enact section 2917 of the Code of Virginia.

Became a law without the governor's signature December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and seventeen of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2917. Further time allowed persons under disability.—If at the time at which the right of any person to make entry on or bring an action to recover any land shall have first accrued such person was an infant or insane, then such person, or the person claiming through him, may, notwithstanding the said period mentioned in section twenty-nine hundred and fifteen shall have expired, make an entry on or bring an action to recover such land within ten years next after the time at which the person to whom such right shall have first accrued as aforesaid shall have ceased to be under such disability as existed when the same so accrued or shall have died, whichever shall first have happened.

2. This act shall be in force from its passage.

CHAP. 463.—An ACT to amend and re-enact section 814 of the Code of Virginia, as amended and re-enacted by an act approved December 10, 1903.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and fourteen of the Code of Virginia, as amended and re-enacted by an act approved December the tenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 814. Bonds of officers.—Every county treasurer, the sheriff of a county, county clerk, every clerk of a city court, every clerk of a circuit court, and every commissioner of the revenue, superintendent of the poor, county surveyor or supervisor, constable, and overseer of the poor shall, at the time he qualifies, give such bond as is required by section one hundred and seventy-seven. The penalty of the bond of each officer, to be determined within the limits herein prescribed, by the court, judge, or clerk before whom he qualifies, shall be as follows: Of the bond of the county treasurer, not less than double the amount to be received annually by him; the penalty of the bond of a sheriff of a county, not less than ten nor more than sixty thousand dollars—if said county treasurer shall elect to give as surety on his bond some guaranty or security company doing business in the State of Virginia, and deemed sufficient by the court, judge, or clerk before whom he qualifies, he may execute such bond on a form to be prescribed by the attorney-general and to be furnished by the auditor of public accounts to the clerks of the several courts, and the penalty of said bond shall be such as the court, judge, or clerk may require, but not less than seventy-five per centum of the amount to be received annually by him; if the sheriff of a county shall elect to give as surety on his bond such guaranty or surety company, the penalty of such bond shall not be less than five thousand nor more than thirty thousand dollars; of the bond of the county clerk or clerk of a city or circuit court,

not less than three thousand dollars, and the bond of such clerk shall bind him and his sureties not only for the faithful discharge of his duties as clerk of said court, but also for the faithful discharge of such other duties as may be imposed upon him by law, in like manner and with the same effect as if it was so expressed in the conditions of his said bond; of the bond of the commissioner of the revenue, three thousand dollars; of the bond of the superintendent of the poor, not less than four thousand dollars; of the bond of a county surveyor, not less than two thousand dollars; of the bond of a supervisor, not less than one thousand nor more than two thousand five hundred dollars; of the bond of a constable, not less than five hundred dollars; of the bond of an overseer of the poor, double the amount that will actually pass through his hands as such overseer, not less in any case than five hundred dollars: provided, that nothing in this act shall be construed as requiring the Commonwealth or any county in the State to pay the cost of said security when given by such guaranty or security company.

2. This act shall be in force from its passage.

CHAP. 464.—An ACT to establish a dispensary for the sale of intoxicating liquors in Waverly magisterial district, Sussex county, Virginia; to prohibit all persons, firms, or corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to said magisterial district.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, or corporation, in any capacity whatever, to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in Waverly magisterial district, Sussex county, Virginia, after December first, nineteen hundred and three, except as hereinafter provided, and any person violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars for each offense or imprisoned in the county jail not to exceed twelve months, or both.

2. The town council of the town of Waverly, Sussex county, Virginia, shall immediately upon the passage of this act elect three members of its board, or three other citizens of said town, who shall constitute a dispensary board for the said magisterial district, whose term of office shall begin on the day they are elected, and expire two years from the day on which they are elected, and their successors shall be elected regularly every two years thereafter. All vacancies occurring in said dispensary board shall be filled by the council for the unexpired term, and the council shall have power to remove any member of said board who fails or refuses to carry out the provisions of this act, and there shall be no appeal from the action of the council when they so remove a member of the said board. But before entering upon their duties the members of the said dispensary board shall make and subscribe an oath that they will

well and truly carry out, to the best of their ability, all the provisions of this act, and all ordinances relating thereto.

3. The council of the said town may require the mayor of the town to discharge the duties of general manager of the said dispensary, and shall allow him a salary of twenty-five dollars per month, which shall be in lieu of any other salary as mayor, or the council, in its discretion, may elect a general manager other than the mayor, whose term of office shall be two years, and allow him therefor a reasonable salary, not to exceed twenty-five dollars per month.

4. It shall be the duty of said dispensary board to provide a suitable building or place for the business of the dispensary, within the corporation limits of the said town of Waverly, on Main street in the said town, and the dispensary board shall select and purchase an ample stock of spirituous, vinous, and malt liquors to meet the requirements of the trade, which shall be kept and sold in the place provided by the said board as above; the said board shall provide the necessary clerical force to do the business of the dispensary at a salary to be fixed by the council; the said board shall make an inventory of the first stock of liquors with which the business of the dispensary is begun, before any are offered for sale, and return the same to the town council, and every two months thereafter shall make an inventory of the stock on hand the last day of the preceding month, returning the same to the council.

5. It shall be the duty of the general manager, or the mayor acting as such manager, to supervise and manage the sale of spirituous, vinous, and malt liquors, within the corporate limits of the said town, as herein provided, to see that all the provisions of the act, and ordinances and regulations relative thereto, are carried out, and to recommend to the dispensary board the purchase of such spirituous, vinous, and malt liquors as he deems suitable for the business of the said dispensary, and shall make monthly reports to the council, showing the purchase and amount of sales for the preceding month.

6. No spirituous, vinous, malt, or other intoxicating liquors shall be sold to any person or persons except in bottles or other packages, and whenever an original package is broken it shall be bottled at once, and the price (both the cost and the price at which it is to be sold) is to be marked thereon by the dispensary board or some one designated by the board; there shall not be kept in the dispensary any broken packages of any liquors of any kind; the quantity of liquor sold in the dispensary at any one time to the same person shall not be less than one-half pint nor more than four and three-fourths gallons, and it shall be unlawful for the manager or any other person to open any package or bottle except original packages as before provided, or to drink any liquor of any kind in the dispensary.

7. The dispensary shall not be opened before sunrise and shall be closed at sunset each day, except that it shall not be opened at all on Sunday, or on election days, or any other days on which the sale of liquors is made unlawful by the laws of the State; nor is any liquor to be sold to any person at any time who is an habitual drunkard, nor to minors, nor any person to be sold again.

8. The price at which the liquor shall be sold shall not be less than

twenty-five per centum, nor more than ninety per centum above the cost of them, including freight.

9. No liquors shall be sold except for cash, and the net profits arising from the sale of the liquors by the dispensary shall be distributed as follows: One-eighth to the State, three-eighths to the public schools of Waverly magisterial district, and one-half to the town of Waverly for general purposes, such distribution to be made once a year, or at the discretion of the council, semi-annually.

10. The receipts from the sales made by the dispensary shall be deposited daily in the bank of Waverly, in the town of Waverly, Virginia, to the credit of the recorder of the said town: provided, before receiving any money arising from the sales made by the dispensary, the said recorder shall enter into a bond with approved security before the town council in the penalty of one thousand dollars for the faithful performance of his duty; the said recorder shall disburse the funds arising from the sales of liquors by the dispensary as directed by the town council, and shall receive as compensation therefor one per centum on the amount received.

11. No person or persons, by associating themselves together or otherwise in any manner, shall abet or assist in maintaining any club room or other place in which intoxicating liquors of any kind are or may be kept for sale, distribution, or division among themselves or others; any person violating this section shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars.

12. The council of the town of Waverly, Virginia, is authorized to borrow sufficient money in amount to purchase the first stock of liquors for the dispensary, and pledge the said stock of liquors and receipts from the sale thereof as security for the money borrowed for this purpose.

13. The first stock of liquors for the dispensary shall be purchased for cash, and all future stocks on thirty days or cash by the dispensary board or their agent; the invoices for all purchases on time shall be submitted to and audited by the dispensary board once a month, and the council thereupon shall order the recorder to mail checks in payment of same.

14. The salary of the members of the dispensary board shall be twelve dollars per annum each.

15. The council shall have the power to adopt other rules and regulations for the conduct of the business of the dispensary not inconsistent with this act.

16. All laws or parts of laws in conflict with this act are hereby repealed so far as applicable to Waverly magisterial district, Sussex county, Virginia.

17. This act shall be in force from its passage.

CHAP. 465.—An ACT to authorize and empower the board of supervisors of Mecklenburg county to appropriate and contribute out of the county funds an amount not exceeding five hundred dollars to L. A. Armstead Camp Confederate Veterans, No. 26, of Virginia, for the purpose of aiding said camp in the completion of the monument upon the public square of said county, at the county seat thereof.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Mecklenburg county be, and it is hereby, authorized and empowered to appropriate and contribute out of the county funds an amount not exceeding five hundred dollars for the purpose of aiding L. A. Armstead Camp, number twenty-six, Confederate Veterans of Virginia, in completion of monument upon the public square at the county seat thereof to the Confederate soldiers of said county.

2. This act shall be in force from its passage.

CHAP. 466.—An ACT to amend and re-enact an act authorizing the qualified voters of Prince Edward county to vote upon the question of issuing the bonds of said county to secure money for the purpose of purchasing road machinery and improving the public roads of said county, and authorizing the board of supervisors to issue the bonds of the county for said purpose, if the vote shall be in favor thereof, approved March 15, 1902.

Approved December 17, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act authorizing the qualified voters of Prince Edward county to vote upon the question of issuing the bonds of said county to secure money for the purpose of purchasing road machinery and improving the public roads of said county, and authorizing the board of supervisors to issue the bonds of the county for said purpose, if the vote shall be in favor thereof, approved March fifteen, nineteen hundred and two, be amended and re-enacted so as to read as follows:

2. Whenever ten per centum of the qualified voters of the county of Prince Edward shall so petition, the circuit court of the county of Prince Edward, or the judge thereof in vacation, shall direct an election to be held, submitting to the voters of said county, qualified at the time of such election to vote for members of the general assembly, the question as to whether or not the bonds of said county for the sum of one hundred thousand dollars shall be issued, the said bonds to be payable fifty years after date, to bear interest at a rate not to exceed five per centum, and not more than twenty thousand dollars of said bonds to be issued in any one year; the money derived from the sale of said bonds to be used solely for the purpose of purchasing road machinery and improving the public roads of said county. Notice of the said election shall be given by posting a copy of the order directing the same at each regular voting place in said county, and at the front door of the courthouse, at least thirty days before the same is to be held, and in such other manner as the said judge may direct.

3. Such election shall be held and the returns shall be made and can-

vassed in the manner prescribed by law. The tickets to be used shall be prepared and distributed by the electoral board of the county, and shall have printed on them, in one line, the words, "For road improvement by bond issue," and in another line the words, "Against road improvement and bond issue." An abstract of the vote cast at such election, together with a copy of the findings of the commissioners who canvass said vote, shall be certified by the clerk of the county court of Prince Edward county to the judge of said court. If such election be held after February first, nineteen hundred and four, then said abstract of the vote and copy of the findings of the commissioners shall be certified to the judge of the circuit court of said county. Said judge, on consideration of said abstract of vote and findings, either during term or in vacation, if he shall be of opinion that at said election a majority of the votes cast were so cast in favor of the proposition submitted, shall so declare and so certify to the board of supervisors.

4. If it shall be so determined that a majority of the votes cast in such election were in favor of the issue of bonds for road improvement, then the board of supervisors shall proceed at once to issue the bonds of the county in the amount specified in the order of court submitting the question to a vote of the people.

5. The said bonds shall be of the denomination of one hundred dollars each, or multiples of said sum, and shall be signed by the chairman of the board of supervisors and the county treasurer, and attested by the clerk, who shall attach the seal of the said board. The form of the said bonds shall be prescribed by the board of supervisors.

6. The said bonds, when issued, shall be disposed of by the board of supervisors in such manner as it may deem best, but no bond shall be sold at less than the par value thereof. The said bonds, at maturity, and all interest coupons when due shall be receivable for all taxes and debts due to the county of Prince Edward, except school levies.

7. The said bonds and all interest coupons shall be payable at some bank in the city of Richmond, Virginia, and when so paid shall be marked paid and cancelled, and shall be exhibited to the board of supervisors at the time of its next meeting.

8. All moneys realized from the sale of said bonds shall be received by the treasurer of the said county, and by him deposited in such bank, or banks, as the judge of the county court of said county shall, by order entered of record, designate as a special fund, to be known as the road improvement fund; and said fund shall be disbursed only upon the check of the said treasurer, countersigned by the chairman of the board of supervisors, and shall, under no circumstances, be expended for any purpose other than the purchase of road machinery and improving the public roads of said county. The treasurer shall be allowed as his full compensation for receiving and disbursing said fund one per centum of the amount for which said bonds shall be sold. The treasurer shall be liable, on his official bond, for the proper discharge of his duties under this act.

9. The money arising under this act shall be expended by a road commission, to be designated the road commission of Prince Edward county, and to be composed of the members of the board of supervisors of said county, together with one discreet freeholder from each magisterial dis-

trict, to be selected by the board of supervisors. Said road commission shall appoint an experienced public highway engineer to supervise the construction of the county roads, purchase all necessary road machinery, fix the prices of labor and materials, and do all other things necessary to carry out the objects of this act.

10. The said board shall also provide a sinking fund by a levy, from year to year, not exceeding ten cents on the one hundred dollars of taxable property in said county. The money so derived, together with any other money which shall be paid to him for the purpose, shall be deposited by the treasurer in such bank, or banks, as the judge of the circuit court of said county shall, by order entered of record, designate as a special fund, to be known as "the sinking fund," subject to the order of the sinking fund commissioners hereinafter provided for.

11. The Commonwealth's attorney of the county, the treasurer of the county, and the chairman of the board of supervisors shall, ex-officio, compose the board of sinking fund commissioners, which board shall be intrusted with the duty of investing, from time to time, any money that may be deposited to its credit in the sinking fund, taking such security therefor as may be approved by two of their number. Such money shall not at any time be loaned to the county, but the said board may, if it shall deem advisable, purchase and retire, from time to time, the bonds of the county issued under this act. It shall be the duty of the board to see that the provisions of this act with reference to the sinking fund are strictly complied with.

12. The board of sinking fund commissioners shall annually make a report to the board of supervisors, showing what funds are under its control and how the same are invested. Warrants upon the sinking fund shall be drawn by the chairman of the board of supervisors and countersigned by the attorney for the Commonwealth. It shall be the duty of the board of sinking fund commissioners to provide for the payment of said bonds by the treasurer out of the sinking fund as they shall become due.

13. All acts and parts of acts in conflict with this act are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 467.—An ACT to provide for working and keeping in repair the public roads and bridges in Patrick county.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Patrick county shall take charge of and have worked and kept in repair the public roads and bridges within the limits of said county; and for that purpose the said board of supervisors is hereby authorized and empowered to set apart annually for each magisterial district in said county from the fund assessed for general county purposes a sum equal to not less than twenty cents nor more than fifty cents upon the one hundred dollars of taxable values of all property in such district,

which shall be used exclusively for the purpose of working and keeping in repair the public roads and bridges within said district as provided in this act. The amount so set aside in each district shall be expended in that district, except that the sum set apart from the levy on the property of the Danville and Western Railway Company shall be equally divided among the several magisterial districts of said county.

2. The board of supervisors of said county shall employ a competent man for each magisterial district of said county as manager or overseer of roads for said district, who shall hold said position only during the will and pleasure of said board. Before entering upon his duties as such the said manager or overseer of roads shall execute a well secured bond in the penalty of at least one thousand dollars, payable to the said board of supervisors, conditioned for the faithful performance of such duties as may be required of him, and for the true accounting of all moneys and property which may be placed in his hands as such manager or overseer. He shall be paid a reasonable salary out of the road tax for the district, to be fixed by the said board of supervisors.

3. The said board of supervisors shall furnish each manager or overseer of roads with all necessary teams, tools, and machinery for the working and keeping in repair the roads of his district, and shall from time to time furnish him with such sums of money as they may deem necessary for employing labor and paying other necessary expenses, except that no manager or overseer shall have in his hands at any one time more than five hundred dollars, unexpended or unaccounted for.

4. Each manager or overseer shall receipt for all property and money intrusted to him, and shall render a true and faithful account therefor. Once in every three months, or oftener, if the said board of supervisors shall so direct, he shall make a written report to said board of the condition of the roads of his district, and of the teams, tools, machinery, and other property committed to his care and custody, and shall accompany the same with an itemized sworn statement of all moneys received and disbursed by him, and shall file proper vouchers for each of said disbursements.

5. New roads may be opened, bridges located, and existing roads altered in said county, in the manner provided by the general law of the State; the expenses therefor to be paid out of the road fund for the district in which the same is located: provided, that when any road shall constitute the dividing line between two districts, or when any bridge shall be located on or near the dividing line of two districts, the cost of building or keeping the same in repair may be divided by said board between such districts.

6. The said board of supervisors shall have authority, in their discretion, to let to contract the building or repair of any bridge in said county.

7. The said board of supervisors shall fix a scale of wages to be paid for labor employed in working and keeping in repair the roads of said county, and shall prescribe the number of hours which shall constitute a day's work. The said board may also adopt such plans and regulations, not inconsistent with the provisions of this act, as may be necessary or proper to secure the needful and efficient working of the roads of said county.

8. The said managers or overseers shall, under the direction of the

board of supervisors, work and put in repair, first, the turnpikes and principal thoroughfares, and then as soon as practicable thereafter the other public roads within their respective districts. In working all public roads the road-bed shall be raised in the middle and slope gradually to each side, with ditches sufficient to carry off the water, which shall at all times be kept open; and all public roads in said county shall be kept free from roots, stones, and other obstructions.

9. It shall be the duty of the supervisor of each district to keep himself informed as to the condition of the roads and bridges in his district, and the manner in which they are worked and kept in repair, and whether or not the manager or overseer in his district has fully performed his duties; and said supervisor shall receive compensation for his services under this act at the rate of two dollars per day for the time actually engaged by him, but under no circumstances shall his compensation under this act exceed the sum of forty dollars in any one year. Said compensation to be paid out of the road fund for his district.

10. All orders and proceedings of the said board of supervisors under this act shall be entered of record by the clerk of said board in the minute or order book of said board. And the clerk of said board shall receive for the duties performed by him under this act such reasonable compensation as may be allowed him by said board, which shall be apportioned equally among all the magisterial districts of said county.

11. No person shall drag any log or logs over or along any public road of said county without first having obtained the consent in writing of the supervisor of the district, and any person convicted thereof shall pay a fine of not less than two dollars and a half, which shall be turned into the road fund of the district in which the offense was committed.

12. The said board of supervisors shall have authority, in their discretion, to expend any money already assessed for general county purposes in working and keeping in repair the public roads and bridges in said county in the manner herein provided.

13. All acts and parts of acts inconsistent with this act, so far as they may apply to Patrick county, are to that extent hereby repealed.

14. This act shall be in effect on and after January first, nineteen hundred and four.

CHAP. 468.—An ACT authorizing the auditor of public accounts to refund money in certain cases.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That in any case where the town council of any town in this State shall be authorized to grant licenses to sell various spirituous or malt liquors after the applicant shall have been first licensed by the county or circuit court of the county in which the town is located, with discretion vested in said town council to grant the same or not, notwithstanding the applicant shall have been licensed by the county or circuit court of said county in which said town is located, that the auditor of public accounts be, and

he hereby is, authorized and directed to refund to any person who has been licensed by the county or circuit court of any county in which said town is located to sell various spirituous or malt liquors, but who has been refused said license by the town council of said town by reason of the provisions of the charter of said town giving the right to the council of said town to refuse said license after the same had been granted to the applicant by the county or circuit court of the county in which said town is located, the amount paid by said applicant into the State treasury, upon a certificate of the judge of the court which granted said license stating when said license was granted and the amount paid into the State treasury by said applicant; and further, that the applicant, for whom relief is sought, has produced before him satisfactory evidence of the fact that said applicant was not permitted to conduct said business under the license granted by said court by reason of the town council of said town refusing to grant the same.

2. This act shall apply to any license granted by any court of this State since January first, nineteen hundred and three.

3. This act shall be in force from its passage.

CHAP. 469.—An ACT to amend and re-enact an act entitled "an act to authorize the board of supervisors of Fairfax county to lease to the National Bank of Fairfax the old clerk's office building, on the public square, in the town of Fairfax," approved July 28, 1902.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to authorize the board of supervisors of Fairfax county to lease to the National Bank of Fairfax the old clerk's office building, on the public square, in the town of Fairfax," approved July twenty-eighth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Fairfax county be, and they are hereby, authorized to lease to the National Bank of Fairfax, for such a period as they may deem proper, the old clerk's office building on the public square in the town of Fairfax (Fairfax courthouse), upon such conditions and restrictions as said board may deem proper.

2. This act shall be in force from its passage.

CHAP. 470.—An ACT to amend and re-enact the fourth article of section 183 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved February 7, 1903.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That article four of section one hundred and eighty-three of the Code, as amended

and re-enacted by the act entitled an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved February seventh, nineteen hundred and three, be amended and re-enacted so as to read as follows:

Fourth. Of auditor of public accounts and his clerks.—The auditor of public accounts, the sum of four thousand dollars, but all fees of office accruing to him shall be paid into the treasury. He shall have power to appoint such clerical force as he may deem necessary to the efficiency of his department, and to apportion such salaries among his several clerks as he may think proper, but the aggregate amount paid such clerks shall not exceed the sum of twelve thousand six hundred and fifty dollars per annum. He shall also have power to employ a receiving and forwarding clerk and messenger, at a salary not exceeding eleven hundred dollars per annum, and to expend for the contingent expenses of his office a sum not exceeding fifteen hundred dollars.

2. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 471.—An ACT to provide for the collection, classification, and publication of the general statutes of the Commonwealth.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That whereas the many changes in the general statutes of the Commonwealth made since the publication of the Code of eighteen hundred and eighty-seven render it desirable that all the statutes, as they exist at the adjournment of the general assembly to meet in January, nineteen hundred and four, should be collected, classified, and republished in a convenient form; and,

Whereas, the passage of many new laws, made necessary by the new Constitution, render it inexpedient to direct a general revision of the statutes until such laws have been tested by experience; and,

Whereas, John Garland Pollard, of the Richmond bar, has collected and classified said statutes to date, and annotated the same with the decisions of the supreme court of appeals; therefore, the said John Garland Pollard is hereby authorized to publish, without expense to the State, the general statutes as they exist at the adjournment of said general assembly. He shall arrange all the statutes according to the plan followed in the Code of Virginia, eighteen hundred and eighty-seven, placing all statutes of a general nature, which do not in terms amend the Code, under titles and chapters according to their subject matter. Each statute shall be annotated with decisions of the supreme court of appeals, construing or affecting the same: provided, however, that nothing in this act contained shall be construed as a surrender on the part of this Commonwealth of its right at any time to print, issue, and sell any compilation, revision, or codification of its statute laws or any annotations thereof with or without the decisions of the supreme court of appeals.

2. This act shall be in force from its passage.

CHAP. 472.—An ACT to amend and re-enact section 2757 of the Code of Virginia.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and fifty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2757. Saving in favor of persons under disability.—If any person against whom such judgment is rendered shall be, at the time of the judgment, an infant or insane, the judgment shall be no bar to an action commenced within five years after the removal of such disability.

2. This act shall be in force from its passage.

CHAP. 473.—An ACT to amend and re-enact section 1721 and to repeal section 1722 of the Code of Virginia.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and twenty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1721. Establishment of temporary hospitals; how compensation for use of land, and so forth, ascertained.—The council of any town may establish outside of its corporate limits, and the board of supervisors of a county, upon the request of any justice of such county, or upon its own motion, may establish in such county temporary hospitals for the reception of persons having any contagious or infectious disease dangerous to the public health, and to that end they may seize and appropriate, for such hospitals, so much land as may be necessary, or any private building not used for a residence; and may also appoint a health officer, and by and with his advice adopt such regulations as may be proper to prevent the spread of the disease; the expense of all which shall be paid by the town or county. If the council or board of supervisors, as the case may be, and the owner or tenant cannot agree on the compensation proper to be made for the use of such land or building for the purposes aforesaid, application shall be made by such council or board to the circuit court of the county, or the judge thereof in vacation, for the appointment of five commissioners, who shall be freeholders and not inhabitants of the town where the application is by the council. Notice of the application shall be given and subsequent proceedings shall be had in accordance with the provisions of the law regulating the exercise of the right of eminent domain.

2. Be it further enacted, That section seventeen hundred and twenty-two of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 474.—An ACT to amend and re-enact section 1991 of the Code of Virginia.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section nineteen hundred and ninety-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1991. Appointment of ballast masters.—The circuit court of every county and corporation court of every corporation, adjacent to any bay or navigable river or creek, shall annually appoint one or more ballast masters to superintend the delivering and unlading of ballast within a district (embracing places where vessels usually ride in any such bay, river, or creek), to be designated in the order of appointment, and the harbor masters appointed by the council of the city of Alexandria shall act as ballast masters for the port of said city.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 475.—An ACT to amend and re-enact section 1421 of the Code of Virginia.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and twenty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1421. Who to take and hold such gifts, and so forth.—When such gift, grant, devise, or bequest is to the State board of education, or any other corporation, or any county or natural person, the subject shall be taken and held by them respectively. If any such corporation, county, or natural person refuse to take and hold, the subject shall be taken and held by trustees appointed as hereinafter directed. In either case, it shall be taken and held for the uses prescribed by the donor, grantor, or testator, or such as have been prescribed in any particular case by any law passed since the said act of the second day of April, in the year eighteen hundred and thirty-nine.

2. This act shall be in force from its passage.

CHAP. 476.—An ACT to amend and re-enact section 2 of an act entitled "an act to provide fire-escapes from buildings of over three stories," approved March 4, 1890.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled "an act to provide fire-escapes from buildings of over three stories," approved March fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The character and design of said fire-escapes shall, in cities and towns, be selected by the council of said cities and towns; and where the

buildings are not located in cities or towns, by the board of supervisors of the county.

2. This act shall be in force from its passage.

CHAP. 477.—An ACT providing for the appropriation of \$50,000, or so much thereof as may be necessary, to pay the cost of the completion of a fire-proof shell building, including heating, plumbing, etc., at the penitentiary.

Approved December 18, 1903.

Whereas, the general assembly of Virginia did, by an act approved April second, nineteen hundred and two, appropriate the sum of one hundred and eighty thousand dollars to pay for the cost of constructing at the penitentiary "a fire-proof shell building, including heating, plumbing, bath-room, and electric wiring, containing three hundred and thirty-four steel cells, with the latest sanitary arrangements and sliding doors"; and,

Whereas, since the making of the estimate on which such appropriation was based the cost of material and labor has been greatly advanced, and there is needed for the completion of the work provided for as above stated an additional sum of forty-eight thousand nine hundred and seventy-six dollars; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, payable out of any funds in the State treasury not otherwise appropriated, to pay the costs of the completion of the work provided for as stated herein above.

2. This act shall be in force from its passage.

CHAP. 478.—An ACT to provide for the payment of the work of indexing the acts and journals of the present session of the general assembly when said work is completed.

Approved December 18, 1903.

Whereas, the act of the general assembly passed February seventh, nineteen hundred and three, provided that the clerks of the senate and house of delegates should receive a per diem for sixty days after the adjournment of this extra session of the general assembly, which said compensation was intended for the indexing of the acts and journals and other work incident to the closing of the session; and,

Whereas, during the recess of the general assembly, from May nineteenth, nineteen hundred and three, to November tenth, nineteen hundred and three, the greater portion of this work was done by the said clerks, for which they could receive no compensation earlier than sixty days after the adjournment of this session, except by legislative enactment; and,

Whereas, it was the intention of the general assembly that the per diem for sixty days after the adjournment of this session should be the com-

pendent for the said work, the greater portion of which has already been done; now,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer in favor of the clerk of the house and the clerk of the senate for six hundred dollars each, when the said clerks shall have placed in the hands of the superintendent of public printing the indexes required by law to be prepared by them, which said amounts shall be in lieu of and in full for the said per diem of sixty days after the adjournment of the present session provided by the said act:

2. This act shall be in force from its passage.

CHAP. 479.—An ACT to amend and re-enact section 2 of an act approved May 9, 1903, entitled an act to authorize the city of Petersburg to acquire land necessary to construct a channel for diverting the freshet water from the Appomattox river at Petersburg, Virginia, so as to improve the harbor and channel of said river.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section two of an act approved May ninth, nineteen hundred and three, entitled an act to authorize the city of Petersburg to acquire land necessary to construct a channel for diverting the freshet water from the Appomattox river at Petersburg, Virginia, so as to improve the harbor and channel of said river, be amended and re-enacted so as to read as follows:

§ 2. The said city shall have power, for the purpose of diverting the freshet water from said river into the channel so to be constructed, to erect and perpetually maintain a dam of such character, height, and width, as it may deem proper, across said river at such a point as it may select between Pocahontas bridge, at the head of navigation, and the bridge of the Virginia Passenger and Power Company, and with the consent of the said city the said dam may be erected and perpetually maintained by the United States government; but the title to said dam when erected and the land thereby made shall remain and be in the said city or its assigns or grantees, with the right and power in said city or such assigns or grantees to perpetually remain the same.

2. By reason of the fact that the United States government is now ready to commence the work of said improvement, an emergency exists, and therefore this act shall be in force from its passage.

CHAP. 480.—An ACT to amend and re-enact section 69 of chapter 148 of the acts of 1902-'3, entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution, so as to permit foundrymen to exchange new castings for old ones, and to buy old metals or old machines for use in their business, or to be renovated and sold, without taking out a junk dealer's license.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixty-nine of chapter one hundred and forty-eight of the acts of nineteen hundred and two-'three, entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution, be amended and re-enacted so as to read as follows:

§ 69. No keeper of a shop, for the purposes herein mentioned, or master of a vessel, or other person shall, without a license authorized by law, purchase, sell, barter, or exchange any kind of second-hand articles, junk, rags, old metals, or other like commodities. The hustings or corporation court of any city and the county or circuit court of any county, may grant a license to any citizen of the United States who shall produce to it satisfactory evidence of his good character to exercise or carry on the business of a junk-dealer, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a junk-dealer without being duly licensed, nor in any other building than the one designated in said license, except by the consent of the court which granted the license, under the penalty of fifty dollars for each day he shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the court aforesaid. The place at which such business may be conducted shall be kept open for the purchase or sale of any of the articles mentioned aforesaid. Nor shall any purchase be made by such person, or by any other person or persons for him, except between the hours of sunrise and sunset, and such place of business shall be open at all times to the inspection of any revenue or police officer of the county or corporation wherein the license issued. Every person receiving such license shall place over the principal entrance of his place of business a sign designating that he is licensed as a junk-dealer. Nor shall any person canvass for the purpose of buying any junk or other matters or things for any such junk-dealer, or for sale to a junk dealer, without taking out a license. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense. Nothing contained in this section shall be construed or operate to prevent any person, firm, or corporation keeping or operating a foundry from exchanging his new castings for old ones, or from buying any old metals or old machines for use in his business, or to be renovated and sold, but nothing herein contained shall authorize any foundryman to buy any old metals or old machines and sell them again in the same condition as they were when purchased. Nothing in this section shall be construed to prevent any regular licensed merchant in the country or in

towns having a population of two thousand or less from buying or trading for rags, old iron, or other articles of junk, unless there be a regular licensed junk-dealer within three miles of his place of business; such merchant to be subject at all times to the same conditions of inspections as a regular junk-dealer. Every junk-dealer and every merchant and foundryman who deals in junk, old metal, et cetera, shall keep at his place of business a book in which shall be fairly written in English, at the time of each transaction in the course of his business, an accurate account of such transaction as to the purchase of rags, bones, old iron, and paper, setting forth a description of the goods, article, or thing purchased; the time of receiving the same; the name and residence of the person selling or delivering the same; the terms and conditions of purchase, or receipt thereof, and all other facts and circumstances respecting such purchase, or receipt, which said book or books shall at all times be subject to the inspection of the judges of the criminal courts, the chief of police, the captains and sergeants of the police of the city, town, or county wherein said business is being conducted, or any or either of them, sergeant and sheriff of such city, town, or county, or other officer with police jurisdiction: provided, however, that this section shall not apply to articles bought without the State of Virginia. It shall be the duty of every junk-dealer, every such merchant and foundryman, to admit to his premises at any time any officer mentioned above to examine any book or other record on the premises, as well as the articles purchased or received, and to search for and take into possession any article known by him to be missing or known or believed by him to have been stolen, without the formality of the writ of search warrant or any other process, which search or seizure is hereby authorized. Every junk-dealer shall be liable to all the penalties herein provided for violation of any of the provisions of this section, whether such violation be committed by himself or by his agent, clerk, or employee.

CHAP. 481.—An ACT to appropriate the sum of \$10,000, to be used in the erection of a State building at the Louisiana Purchase Exposition.

Approved December 18, 1903.

Whereas, in the act making an appropriation for Virginia no provision was made for a State building for the industrial exhibit at the Louisiana Purchase Exposition; and,

Whereas, to give Virginia equal prestige and to afford her citizens equal comforts with those provided by other States for their citizens, such a building is found to be a necessity, the Virginia commission has undertaken to raise, by private subscription, a sufficient sum for this purpose, about one-half of which has been secured; and,

Whereas, owing to time limits the full sum cannot be obtained by this method; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of ten thousand dollars is hereby appropriated out of the public treasury for the erection of a State building on the Louisiana Purchase Expositi-

tion grounds at Saint Louis, Missouri. Said building to be arranged for the convenience and comfort for Virginia visitors and their friends.

2. That for the purpose of this act, the commission appointed under act of general assembly, approved December twentieth, nineteen hundred and two, entitled "an act to provide for an industrial and commercial exhibit by the Commonwealth of Virginia at the Louisiana Purchase Exposition and to appropriate money for the same," is appointed a commission for the proper expenditure of this money under the regulations governing said commission.

3. Upon duly authenticated warrants, drawn by the commission and countersigned by the governor, the auditor of public accounts shall draw his warrants upon the State treasury until such amount shall be expended.

4. This act shall be in force from its passage.

CHAP. 482.—AN ACT to amend and re-enact chapter 9 of the Code of Virginia, as amended and re-enacted by an act of the general assembly of Virginia, approved May 20, 1903, entitled "an act to amend and re-enact chapter 9 of the Code of Virginia of 1887, in relation to election of State, county, district, and city officers, and the terms of their offices, and filling vacancies."

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter nine of the Code of Virginia, as amended and re-enacted by an act of the general assembly of Virginia, approved May twentieth, nineteen hundred and three, entitled "an act to amend and re-enact chapter nine of the Code of Virginia of eighteen hundred and eighty-seven, in relation to election of State, county, district, and city officers, and the terms of their offices, and filling vacancies," be amended and re-enacted so as to read as follows:

§ 87. Governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture; election; term of office.—The governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture shall be chosen by the qualified voters of the Commonwealth, at the general election to be held on the Tuesday after the first Monday in November, of the year one thousand nine hundred and five, and every fourth year thereafter, and shall hold their offices for a term of four years, to commence on the first day of February next succeeding their election.

§ 88. Returns; how votes counted and election determined.—The secretary of the Commonwealth, on the first day of the session of the general assembly next succeeding the election of a governor and lieutenant-governor, shall deliver the returns of such election to the speaker of the house of delegates, who shall, within one week thereafter, in the presence of a majority of the senate and house of delegates, open said returns, and the vote shall be counted, and the election determined in conformity

with the provisions of the seventeenth section of article five of the Constitution.

§ 89. When offices of governor and lieutenant-governor vacant, who to discharge duties; how vacancies filled.—When a vacancy occurs in the office of governor and lieutenant-governor, the duties of the office of governor shall be discharged by the president pro tempore of the senate, until a governor is elected and qualified; or if the senate be not in session, by the person who was president pro tempore at the close of the next preceding session. While so discharging the duties of the office of governor, such person shall not act as president pro tempore of the senate, nor vote as a member thereof. He shall, within five days after such vacancy occurs, issue writs of election for the unexpired terms of the said officers, to be held within sixty days from the issuing of such writs. If the general assembly be not in session at the time of such election, or be not otherwise convened within sixty days thereafter, it shall be his duty to convene the same within the sixty days, in order that the vote may be counted in the mode prescribed by the Constitution.

§ 90. When office of lieutenant-governor vacant, who to discharge duties.—When a vacancy occurs in the office of lieutenant-governor only, the duties of that office shall be discharged by the president pro tempore of the senate, but he shall not by reason thereof be deprived of his right to act and vote as a member of the senate.

§ 91. When office of attorney-general, State treasurer, secretary of the Commonwealth, superintendent of public instruction vacant, how filled.—When a vacancy occurs in the office of attorney-general during the session of the general assembly, it shall be filled by election by the joint vote of the two houses. If such vacancy occurs when the general assembly is not in session, the State treasurer, auditor of public accounts, and second auditor, or a majority of them, shall elect an attorney-general and shall certify the fact to the governor. The person so elected shall hold office until the end of the unexpired term, or until thirty days after the commencement of the next session of the general assembly, whichever may happen first. At such next session an attorney-general shall be elected by the joint vote of the two houses for such part of the term as has not expired. A vacancy in the office of secretary of the Commonwealth, State treasurer, or superintendent of public instruction occurring during the session of the general assembly shall be filled for the unexpired term by a joint vote of the two houses. Should a vacancy occur in any of such offices during a recess of the general assembly, the governor shall fill such vacancy by appointment, the appointee to hold for the unexpired term, or until thirty days after the commencement of the next session of the general assembly, whichever shall happen first. At such next session the general assembly shall fill any such vacancy by an election by the joint vote of the two houses for the unexpired portion of the term.

§ 92. Sheriffs, attorneys for the Commonwealth, commissioners, and treasurers; when elected; term of office.—Sheriffs, attorneys for the Commonwealth, commissioners of the revenue, and county treasurers shall be chosen by the qualified voters of the respective counties, at the general election on the Tuesday after the first Monday in November, nineteen hundred and three, and every fourth year thereafter, and shall hold their

offices for the term of four years, from the first day of January next succeeding their election.

§ 93. Clerks of courts; when elected; term of office; when clerk of county court to be clerk of circuit court.—In every county there shall be a county clerk, who shall be clerk of the circuit court of the said county. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon the several clerks of the county courts in those counties in which such clerks are now ex-officio clerks of the circuit courts of said counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, shall be and become the county clerks of their respective counties, and as such the clerks of the circuit courts created therefor by the Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five: provided, that the first term of the clerks so elected be for six years, and their successors shall be chosen on the Tuesday after the first Monday in November, nineteen hundred and eleven, and every eight years thereafter. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, county clerks for such counties: provided, however, that the terms of office of all county clerks chosen at the first election held under this section shall expire on the first day of January, nineteen hundred and twelve.

§ 94. Voters of cities not to vote for county officers.—Nothing contained in the two preceding sections shall be construed to authorize the voters of any city, living within the corporate limits thereof, to vote at any election held for treasurer, Commonwealth's attorney, sheriff, clerk, or any commissioner of the revenue for the county in which the said city is located, or is a part.

§ 95. Surveyors and superintendents of the poor; how appointed; term of office.—Each county judge, upon the recommendation of the board of supervisors of each county in which he holds his court shall, between the passage of this act and the first of January, nineteen hundred and four, and every circuit judge in the month of November, nineteen hundred and seven, and every fourth year thereafter, shall, upon like recommendation, appoint for each county in which he holds his court, one county surveyor and one superintendent of the poor, provided that such judge may, if he think proper, reject the recommendation, and unless the board of supervisors recommend other persons, suitable, in his opinion, for said offices, within thirty days after their first recommendation has been rejected, he shall fill the said offices, or either of them, by his own appointment, in term or vacation.

No recommendation made by the board of supervisors shall be rejected

by the judge, except for reasons entered of record. Said officers shall enter upon the duties of their offices on the first day of January next succeeding their appointment, and shall hold their offices for the term of four years.

§ 96. When district officers to be elected; term of office.—In each magisterial district there shall be chosen by the qualified voters thereof at the general election to be held on Tuesday after the first Monday in November, in the year nineteen hundred and three, and every four years thereafter, one supervisor, one constable, three justices, and one overseer of the poor, who shall hold their respective offices for the term of four years.

§ 96a. In those counties now having a special road law, whose officers were elected by the people for the term of two years, the term of road commissioner, road director, and any other district officer is hereby extended for the further period of two years from the expiration of the term to which they were last elected. After the expiration of said extended period the regular term to which all such district road officers shall be elected shall be four years.

§ 97. Additional justices and constables provided for.—Whenever a circuit court shall be of opinion that the public service requires a greater number of justices or constables in any district than those specified in section ninety-six, and shall so enter of record and designate the number of such additional officers, notice thereof shall be published in such district, and at the next succeeding general election for district officers, such additional officers shall be elected in the mode prescribed for the election of district officers, and continue to be elected at each succeeding general election of district officers until otherwise ordered by the court. And it shall be lawful for the said court to appoint officers to serve until such additional officers are elected and qualified. Such officers, whether elected or appointed, shall qualify and give bond as prescribed for district officers. The said court may, in its discretion, revoke the order requiring such additional officers, such revocation to take effect at the expiration of the terms of such officers.

§ 98. Providing for officers of cities; their election and terms of office.—In each city of this Commonwealth there shall be elected by the qualified voters thereof, on the second Tuesday in June, nineteen hundred and four, and every four years thereafter, a mayor, who shall be the chief executive officer of such city, whose term of office shall begin on the first day of September succeeding his election, and continue for four years thereafter. On the Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter the qualified voters of each of the cities of this Commonwealth shall elect a city sergeant, a commissioner of the revenue, an attorney for the Commonwealth, a city treasurer, and all other city officers elective by such qualified voters, whose election is not otherwise provided for by law, whose terms of office shall begin on the first day of January next succeeding their election, and continue for four years thereafter. In each city which has a court in whose office deeds are admitted to record, except the cities of Bristol, Radford, and Buena Vista, there shall be elected by the qualified voters on Tuesday after first Monday in November, nineteen hundred and

five, and every eight years thereafter, a clerk of such court, to be called the clerk of the corporation or hustings court, whose term of office shall begin on the first of February of the second year after such election, and shall continue thereafter for eight years; and in the city of Richmond there shall be elected also at the same times and for the same terms a clerk of the chancery court and a clerk of the law and equity court of the city of Richmond, whose terms of office shall begin on the first day of February of the second year after such election.

In cities having a population of thirty thousand or more there shall be elected by the qualified voters a separate clerk of the circuit court of such city on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, whose term of office shall begin on the first day of January, succeeding this election, and continue thereafter for eight years: provided, that the terms of such clerks first elected under this section shall begin on the first day of February, nineteen hundred and four, and shall expire on the first day of January, nineteen hundred and twelve: provided, that the present terms of clerks of city courts not herein otherwise expressly provided shall continue until the first day of February, nineteen hundred and four.

In the cities of Radford, Bristol, and Buena Vista there shall be elected by the qualified voters on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, unless such courts are sooner abolished, a clerk of such city court, to be called the clerk of the corporation court, whose term of office shall begin on the first day of February following his election, and continue for eight years thereafter, unless the said courts shall be sooner abolished.

All provisions of any city charter in conflict with this section are hereby repealed.

§ 100. When election held to fill vacancy.—In case the election to any public office required to be filled by the qualified voters of any county, corporation, magisterial district, or ward, shall not be specially provided for by law, an election to such office may be had at the general election held next before the time provided for the term of such office to commence.

§ 101. How election for free school purposes held and results determined.—All officers who, under the general laws, are charged with the conduct of elections and the determination of the results thereof, shall render official service in the matter of votes ordered for public free school purposes, under such regulations as shall be prescribed by the board of education. But all elections for public free school purposes shall be held, after notice thereof given according to section one hundred and fifteen.

§ 102. When officers to enter upon their duties.—All State, county, district, and city officers chosen at a general election shall, unless otherwise provided, enter upon the duties of their respective offices on the first day of January next thereafter, except that the terms of office of mayors and councils of cities shall begin on the first day of September succeeding their election. They shall continue to discharge the duties of their respective offices until their successors shall have qualified.

§ 103. When term of officer elected to fill vacancy commences and expires.—The term of office of any person chosen at a special election to fill

a vacancy in any public office shall commence as soon as he shall qualify and give bond, and continue for the unexpired term of such office.

§ 104. When duties of officers appointed under section ninety-seven begin and end.—Any person appointed a justice or constable under the provisions of section ninety-seven, or to fill a vacancy in any public office, shall enter upon the duties thereof as soon as he shall have qualified, and continue to discharge the same until the person chosen to fill the office has qualified.

§ 105. To whom writs of election directed.—A writ of election shall be directed to the sheriff of the county or sergeant of the corporation for which the election is to be held; or if the election is to be held for an election district, or to fill a vacancy in the general assembly or in congress, to the sheriffs and sergeants of the respective counties and corporations which, or any part of which, are included in the district.

§ 106. By whom and when issued; how vacancies temporarily filled.—When a vacancy occurs in any county, city, town, or district office, the same shall be filled by the court of the county or city in which it occurs, or the judge thereof in vacation: provided, however, that if such vacancy occurs in any officer of a city or town as to filling which vacancy there is no provision in the charter or ordinances of such city or town, and which has no corporation or hustings court, the same shall be filled by the court of the county in which said city or town is situated, or by the judge thereof in vacation; when in the office of clerk of a county, by such court, or the judge thereof in vacation; when in the office of clerk of the chancery court of the city of Richmond, by the said court, or the judge thereof in vacation; when in the office of sheriff of said city, by the circuit court thereof; and when in the office of corporation or hustings court clerk, or attorney for the Commonwealth for a city, by the corporation or hustings court of such city, or the judge thereof in vacation. The term of office of any person appointed under this section shall commence as soon as he shall qualify and continue for the unexpired term of such office: provided, further, when a vacancy occurs in a city or town office, and the charter of such corporation prescribes the mode of filling such vacancy, the vacancy shall be filled in the mode so prescribed.

§ 107. Vacancy may be filled by judge in vacation.—Any appointment authorized by the preceding section to be made by a court may be made by the judge thereof in vacation; and the appointment, when made in vacation, shall be certified by the judge making the same to the clerk of his court, to be entered as a vacation order.

§ 108. Appointees to qualify and give bond in thirty days.—All officers, appointed under the two preceding sections to fill vacancies shall, within thirty days after their appointment, qualify and give bond before the court or judge making the appointment, and if before the judge in vacation, he shall certify the fact, and the certificate and bond shall be returned and recorded as provided by law.

2. All sections of the said chapter not contained in this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 483.—An ACT authorizing the councils of cities to have a legal enumeration of their population.

Approved December 22, 1903.

1. Be it enacted by the general assembly of Virginia, That the councils of any city, wishing to have a legal enumeration of the population of said city, or of any ward or part thereof, may make application therefor to the judge of the corporation court of said city, if there be such court; and if not, to the judge of the circuit court thereof.

When said application is made, it shall be the duty of said judge forthwith to divide such city, ward, or part thereof, into such districts, with well-defined boundaries, as may appear advisable, and to appoint for each of said districts one enumerator. Before entering on their duties such appointees shall take an oath before some notary public or other officer qualified to administer oaths under the laws of this State, for the faithful discharge of their duties.

2. The said enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the said judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment, and a copy of the said list of persons so enumerated by them shall be furnished by said enumerators to the clerk of said court, who shall receive the same and keep it open to public inspection. Upon evidence produced before him said judge may add to said list the name of any person improperly omitted, and may strike from said list the name of any person improperly listed; but if it shall appear advisable to said judge, he may order that the enumeration for any or all of said districts be re-taken under all the provisions of this act by other enumerators, who shall be forthwith appointed by him.

3. The said judge shall cause to be tabulated and consolidated said lists and return to the councils the result or results thereof, in accordance with the application of the said councils.

4. The said judge shall allow each enumerator three dollars per day for each day actually employed by him in making said enumeration. He shall certify the allowance to the enumerators and costs to the councils of said city for payment out of the city treasury, and the same shall be a legal charge upon said city.

5. This act shall be in force from its passage.

CHAP. 484.—An ACT to authorize the mayor and council of the city of Williamsburg, in the county of James City, Virginia, to issue bonds and borrow money for the purpose of establishing a system of water works and fire department for said city.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That the mayor and council of the city of Williamsburg be, and they are hereby, authorized and empowered to issue bonds of the said city and to borrow

money, not to exceed in the aggregate the sum of thirty thousand dollars as hereinafter provided; the proceeds from the sale of said bonds, or so much thereof as may be necessary, to be expended in the establishment of a system of water works for fire extinguishing purposes and for domestic uses, and for the equipment of a fire department for said city, or such of the above purposes as may be prescribed by the said council, and to meet all expenses connected therewith as may be determined upon by the said council.

2. The said bonds shall be coupon bonds, and shall be issued in denominations of five hundred dollars, and shall bear interest at a rate not to exceed five per centum per annum. The interest on said bonds shall be paid semi-annually on the first day of February and August of each year, and shall be payable at the office of the treasurer of the county of James City and the city of Williamsburg, or at such bank or banking house in said city as may be selected and designated by the said council. The principal of said bonds shall be payable in thirty years from date of issue. The said bonds shall be signed by the mayor and countersigned by the clerk of the council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and council: provided, that the said bonds shall not be sold or negotiated for less than their par value.

3. The council of the said city shall have full and unlimited control of the expenditure of the funds derived from the sale of said bonds: provided, that said bonds shall not be issued or negotiated until the question has been submitted to a vote of the people of said city, by an election ordered by the circuit court for the city of Williamsburg and the county of James City, who shall appoint three judges (freeholders) to hold said election, the same to constitute the board of commissioners, from whose report it shall appear that a majority of the qualified voters of the said city voting upon the question are in favor of issuing the said bonds, and that said majority include a majority of the freeholders of said city voting at such election. The vote shall be taken by ballot, on which shall be printed the words "for bond issue" and "against bond issue." There shall be provided separate boxes, the one for freeholders' ballots and the other for non-freeholders' ballots, as the case may be. Notice of the time, place, and object of said election shall be given by publication for at least once a week for four consecutive weeks in the "Virginia Gazette," a newspaper published in the city of Williamsburg, said notice to be ordered by the circuit court for city of Williamsburg and the county of James City; the expenses of said election shall be paid out of the treasury of said city.

4. The result of said election, as reported by the commissioners referred to in section three of this act, shall be admitted to record in the circuit court for the city of Williamsburg and the county of James City, and it shall be the duty of the judge of the said court to cause to be made and transmitted to the mayor and council of the said city a certified copy of the report of the said board of commissioners, which report shall be recorded upon the minutes of the said council, and shall constitute a basis for the issuance of the said bonds of the said city. It shall be the duty of the judge of the said court to order an election as provided for herein, upon a resolution adopted by a two-thirds vote of the members

elected to the council of said city and properly certified by the clerk of the said council.

5. The council of the said city shall, at each annual levy, lay aside for the thirty years the bonds have to run a sufficient amount to cover the interest on the said bonds, and such further sum as may be determined upon each year to be placed to the credit of the sinking fund, to be created for the redemption of the said bonds, before any portion of the revenue of the said city is appropriated to any other purposes; and at the maturity of the said bonds, upon the expiration of the said thirty years, the council of the said city shall make lawful provision for the payment.

6. The council may provide, by resolution passed by two-thirds of the entire council, that no corporation tax shall be levied or assessed upon said bonds.

7. Should any balance or excess remain to the credit of the said water works and fire department fund, realized from the sale of said bonds, after the completion and equipment of the said systems of water works and fire department, the council of the said city is hereby authorized and empowered to make such disposition of said balance or excess as to them may seem best for the public good.

8. All acts and parts of acts inconsistent with this act are hereby repealed.

9. This act shall be in force from its passage.

CHAP. 485.—An ACT to amend and re-enact sections 3916, 3918, 3922, 3929, 3931, and 3933 of the Code of Virginia as heretofore amended.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-nine hundred and sixteen, thirty-nine hundred and eighty-two, thirty-nine hundred and twenty-two, thirty-nine hundred and twenty-nine, thirty-nine hundred and thirty-two, and thirty-nine hundred and thirty-three of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 3916. When appeal may be taken; witnesses to be recognized.—A person from whom such recognizance is required, may, on giving it, appear to the circuit court of the county, or corporation court of the corporation, and, in such case, the officer from whose judgment the appeal is taken shall recognize such of the witnesses as he thinks proper.

§ 3918. Its power when accused committed to jail.—Any person committed to jail under this chapter may be discharged by the circuit court of the county or corporation court of the corporation on such terms as it may deem reasonable.

§ 3922. Circuit courts may appoint special police; their pay, and so forth; how allowed and paid.—The circuit court of any county may, if it deem it advisable, appoint a special police force, to consist of not less than two suitable and discreet persons, who shall serve as such until other-

ers are appointed in their place by the court. Such court may, if it see proper, allow compensation to said police, and any expense incurred in the execution of their duties to be paid out of the county levy.

§ 3929. Appointment of conservator of the peace at watering place, university or college, or manufacturing plant; his jurisdiction.—The circuit court, or the judge in vacation of the circuit court of any county in which any watering place or manufacturing plant, or in which the University of Virginia, or any incorporated college, is located, may, upon the application of the proprietors of such watering place, or such manufacturing plant, or of the board of visitors of such university or other constituted authority of such college, appoint some citizen of the Commonwealth conservator of the peace, who shall hold his office for one year from the time of his appointment, and whose jurisdiction shall extend over the grounds attached to such watering place, manufacturing plant, university, or college within such limits as shall be prescribed in the order appointing such conservator.

§ 3932. How chain-gangs for counties and corporations established; who required to work in them; when a county has no chain-gang, supervisors or judge may hire such persons to authorities of a county or corporation that has one.—The council of each city and town, and the board of supervisors of each county, or, if they do not act, the judge of the circuit court of such county or of the corporation court of such corporation, may establish chain-gangs in such city, town, or county for the purpose of working on the streets, roads, and public property therein. Every male person above the age of sixteen years, convicted of a misdemeanor, or of any offense deemed infamous in law, and sentenced to confinement in jail as a punishment, or part punishment for such offense, or who is imprisoned for failure to pay any fine or penalty imposed upon or assessed against him upon such conviction, or upon conviction for any violation of an ordinance of any such city or town, which by said ordinance is punishable by confinement in jail or fine, may be required to work in such chain-gang. If any county has not a chain-gang of its own, the supervisors or such judge may hire such persons as are liable to work in a chain-gang to the authorities of any county, city, or town which has one. Such persons shall be subject to the rules and regulations established for the government of the chain-gang in which they are employed.

§ 3933. How rules, and so forth, for their government established; how their expenses, and so forth, provided for.—The council of any city or town or board of supervisors of any county or judge of a circuit court of a county or corporation court of a corporation shall establish rules and regulations for the care, safe-keeping, and government of persons employed in chain-gangs, provide for the payment of their expenses, and furnish them the necessary clothing, to be paid out of their city, town, or county treasuries, respectively; and in the event such person or persons so consigned to labor in chain-gangs do not conform to and obey the rules and regulations prescribed for their government, the same may be enforced by the infliction of such corporal punishment as the council of the city or town or the board of supervisors of the county or the judge of the circuit court of a county or corporation court of a corporation, either in

term or vacation, may prescribe, to be executed by the sergeant of the city or town or the jailer of the county or the officer or other person placed in charge of such chain-gang.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 486.—An ACT to amend and re-enact section 2501 of the Code of Virginia, as amended and re-enacted by an act approved February 10, 1890, as amended and re-enacted by an act approved February 28, 1896, in relation to certificates of acknowledgments.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and one of the Code of Virginia, as amended by an act approved February tenth, eighteen hundred and ninety, and as amended and re-enacted by an act approved February twenty-eighth, eighteen hundred and ninety-six, entitled an act to amend and re-enact section twenty-five hundred and one of the Code of Virginia, in relation to certificates of acknowledgment, be amended and re-enacted so as to read as follows:

§ 2501. Certificates of acknowledgment upon which writings are admitted to record; who may take them.—Such court or clerk shall also admit any such writing to record as to any person whose name is signed thereto upon a certificate of his acknowledgment before the said clerk, or before the clerk of any court of record in this State, or before the clerk of any court without this State, but within the United States, or before a justice, a commissioner in chancery of a court of record, or a notary within the United States, or in the Philippine Islands, Porto Rico, or in any territory or other possession or dependency of the United States, written on or annexed to the same, to the following effect, to-wit:

County (or corporation) of _____, to-wit: I, _____, clerk (or deputy clerk) of _____ court (or a justice of the peace, or commissioner in chancery of the _____ court, or notary public), for the county (or corporation) aforesaid, in the State (or territory or district) of _____, do certify that E. F. (or E. F. and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the _____ day of _____, has (or have) acknowledged the same before me, in my county (or corporation) aforesaid. Given under my hand this _____ day of _____.

Or upon the certificate of acknowledgment of such person before any commissioner appointed by the governor, within the United States, so written or annexed, to the following effect, to-wit:

State (or territory or district) of _____, to-wit: I, _____, a commissioner appointed by the governor of the State of Virginia for the said State (or territory or district) of _____, certify that E. F. (or E. F. and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the _____ day of _____, has (or have) acknowledged the same before me in my

State (or territory or district) aforesaid. Given under my hand this _____ day of _____.

Or upon the certificate of the clerk of any court of record in this State, or the clerk of any court out of this State and within the United States, that the said writing was proved as to him by two witnesses before such clerk or before the court of which he is clerk, or upon the certificate, under the official seal of any ambassador, minister plenipotentiary, minister resident, charge d'affaires, consul-general, consul, vice-consul, or commercial agent appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or of the mayor or other chief magistrate of any city, town, or corporation therein, that the said writing was acknowledged by such person or proved as to him by two witnesses before any person having such appointment, or before such court, mayor, or chief magistrate; and where any such writing purports to have been signed in behalf or by authority of any person or corporation, or in any representative capacity whatsoever, the certificate of the acknowledgment by the person so signing the said writing shall be sufficient for the purposes of this and the preceding section, and for the admission of said writing to record as to the person or corporation on whose behalf it is signed, or as to the representative character of the person so signing the same, as the case may be, without expressing that such acknowledgment was in behalf or by authority of such other person or corporation, or was in a representative capacity. In the case of a writing signed in behalf or by authority of any person or corporation, or in any representative capacity, a certificate to the following effect shall be sufficient:

State (or territory or district) of _____, county (or corporation) of _____, to-wit: I, _____, a _____ (here insert the official title of the person certifying the acknowledgment in and for the State (or territory or district) and county (or corporation) aforesaid, do certify that _____ (here insert the name or names of the persons signing the writing on behalf of the person or corporation, or the name of the person signing the writing in a representative capacity), whose name (or names) is (or are) signed to the writing above, bearing date on the _____ day of _____, has (or have) acknowledged the same before me in my county (or corporation) aforesaid. Given under my hand this _____ day of _____.

And where authority is given in this or the preceding section to the clerk of a court in or out of this State, but within the United States, such authority may be exercised by his duly qualified deputy.

2. This act shall be in force from its passage.

CHAP. 487.—An ACT to amend and re-enact section 5 of an act entitled “an act to amend section 5 of an act providing for the appointment of a State board of health and local boards of health, defining the duties and powers and compensation thereof, and of their members, officers, and agents, in connection with the preservation of public health, and prescribing penalties against witnesses failing to obey subpoenas issued by said State board of health, or any authorized member thereof, for refusing to testify, or otherwise acting in contempt of said board or its duly authorized members, approved March 7, 1900, so as to empower the chairman of the board of supervisors, with the approval of two of the members of the local board of health, to make certain contracts for the removal and quarantine of parties suspected of small-pox, or for compulsory vaccination,” approved March 25, 1902.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled “an act to amend section five of an act providing for the appointment of a State board of health, and of local boards of health, defining the duties and powers and compensation thereof, and of their members, officers, and agents, in connection with the preservation of public health, and prescribing penalties against witnesses failing to obey subpoenas issued by said State board of health, or any authorized member thereof, for refusing to testify or otherwise acting in contempt of said board or its duly authorized members, approved March seventh, nineteen hundred, so as to empower the chairman of the board of supervisors, with the approval of two of the members of the local board of health, to make certain contracts for the removal and quarantine of parties suspected of small-pox, or for compulsory vaccination,” approved March twenty-fifth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 5. The judge of the corporation court of each corporation and the judge of the circuit court of each county shall, upon the recommendation of the medical society of said county or corporation, if there be one, biennially appoint three regularly licensed physicians of the county or corporation, who shall, with the clerk of the corporation or circuit court, as the case may be, and the chairman of the board of supervisors or the mayor of the corporation, as the case may be, constitute a county or city board of health: provided, however, that where the charter of any city or town already provides for the creation of a board of health the provisions of this section of this act shall not apply. The chairman of the board of supervisors shall act as the president of the county board of health and the mayor as the president of the board of health of such city or town. Each such local board of health shall elect from its members a secretary, who shall be a physician, and who shall serve for two years, or until his successor is appointed, but who may be removed for cause by a majority vote of the board. Such local boards of health shall have charge of the sanitary affairs of the respective cities, counties, or towns for which they are appointed, and shall, subject to the provisions of this act, have control of the prevention and eradication of contagious and infectious diseases, the removal and quarantine of suspects; may provide for compulsory vaccination, the prevention, restriction, and care of small-pox and other contagious or infectious diseases, and shall, with the consent of the board of

supervisors of the county or the council of the city or town, as the case may be, fix the compensation for the officers or agents employed in discharging such duties, and shall see to the abatement of nuisances, and the collection, as may be required by the State board of health, of vital statistics. They shall likewise have power to adopt and enforce such reasonable rules and regulations as they may deem necessary to attain these ends: provided, that if any case of small-pox be reported as existing in any county prior to the regular meeting of the board of supervisors, the chairman of the board of supervisors shall have power, with the approval of two members of the local board of health, to make all necessary contracts for the removal or quarantine of suspects, upon such terms as may be deemed reasonable, until the next meeting of the board of supervisors of said county.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 488.—An ACT to amend and re-enact section 1774 of the Code of Virginia, as amended by an act approved January 28, 1890, and by an act approved March 2, 1894, and to repeal section 1773 of the Code of Virginia.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and seventy-four of the Code of Virginia, as amended by act approved January twenty-eighth, eighteen hundred and ninety, and by act approved March second, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1774. Dentists required to register.—Every person practicing dentistry in the Commonwealth of Virginia at the time of the passage of this act shall register his name and postoffice address, together with the name of the college from which he is a graduate, or the length of time he has been practicing in this Commonwealth, with the board of examiners before renewing his license, and it shall be the duty of the board to issue to each person so registered a certificate of registration, stamped with the seal of the board, but no fee shall be collected from persons so registering. Every person holding a certificate of qualification or registration from the board of examiners at the time of the passage of this act shall, within sixty days therefrom, have his certificate recorded in the clerk's office of the circuit or corporation court of every county or city in which he proposes to practice, and if in the city of Richmond, in the office of the clerk of the chancery court of said city. And every person who shall, after the passage of said act, obtain such certificate from the board, shall have said certificate recorded in the same manner within sixty days after receiving the same, and before receiving a license from any commissioner of the revenue. The certificate shall be recorded in a book to be kept for the purpose and properly indexed. The clerk's fee for recording such a certificate shall be fifty cents.

2. That section seventeen hundred and seventy-three of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 489.—An ACT to amend and re-enact section 6 of chapter 509, acts of assembly 1895-'96, relating to how members of State board of veterinary examiners qualify.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section six of chapter five hundred and nine, acts of assembly eighteen hundred and ninety-five and six, approved February twenty-seventh, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 6. The members of said board shall qualify by taking the usual oath of office before the circuit court of the county or corporation court of the corporation in which they respectively reside, or before the judge of such court in vacation. The officers of said board shall be a president, vice-president, and secretary (who shall also act as treasurer), said officers to be members of and selected by the board. Regular meetings of the board shall be held at such times and places as the board may prescribe, and special meetings may be held upon the call of the president and any two members, but there shall not be less than one regular meeting each year. Three members of the board shall constitute a quorum. The board may prescribe rules, regulations, and by-laws for its own proceedings and government, and for the examination by its members of candidates for the practice of veterinary medicine and surgery.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 490.—An ACT to amend and re-enact section 84 of the charter of the city of Richmond, as amended and re-enacted by chapter 162, acts of assembly 1901-'02, approved March 11, 1902, and to amend and re-enact sections 86 and 89 of said charter, all in regard to the police department of said city.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That section eighty-four of the charter of the city of Richmond, as amended and re-enacted by chapter one hundred and sixty-two, acts of assembly nineteen hundred and one and nineteen hundred and two, approved March eleventh, nineteen hundred and two, and sections eighty-six and eighty-nine of said charter be amended and re-enacted so as to read as follows:

§ 84. The police department of the city of Richmond shall be under the control and management of a board of police commissioners thereof, which shall consist of the mayor and one commissioner from each ward

of the city, each commissioner to be a resident of his respective ward, a majority of whom shall constitute a quorum. The mayor shall be ex-officio president of the board, and shall preside at its meetings, and shall have a vote in case of a tie. In his absence the other members may elect a president pro tempore. Each of said commissioners shall hold office for a term of six years from the date of his election: provided, that the term of one commissioner shall expire each year, according to the present plan, so that the terms of no two said commissioners shall expire in the same year, except that in case the number of commissioners shall exceed six, then in that event the terms of as many as two commissioners may expire in the same year. But it is expressly provided that the sequence of the expiration of the terms of said commissioners from the wards established prior to the twenty-seventh day of February, nineteen hundred and two, shall not be changed; and the terms of commissioners elected from wards established, or which may be established, subsequent to the twenty-sixth day of February, nineteen hundred and two, shall expire one after another in successive years, in accordance with the intention of the present plan. As the terms of the commissioners shall expire the vacancies in the board thus created, or created by this act, or by any act of the general assembly heretofore or hereafter passed, shall be filled by election in the month of July of each year by the two branches of the city council in joint session. But no person shall be elected who does not receive a majority in each branch of the council of all the members elected to such branch. The said board shall adopt rules and regulations for the government thereof; it may establish, promulgate, and enforce rules, regulations, and orders for the government of the police force; it may divide the city into such police districts as it may deem proper for the best management of the police force, and the prevention and detection of crime, and may alter and change the same from time to time; it shall have authority to investigate all matters pertaining to the police department, and for that purpose to send for persons and papers, and by the presiding officer to administer oaths to witnesses.

The members of said board may be removed for good cause at any time by a vote of two-thirds of the members elected to the city council. If any member of the board shall resign, remove from the ward in which he lived when elected to said board, cease to be a voter, or be a candidate for any office, federal, State, or municipal, it shall ipso facto vacate his seat in said board; and when any member of the said board is named as an applicant or candidate, or as proper to be supported as a candidate for any office, or proper person to receive such office, the president shall, or any member of the board may, notify him that his name is mentioned in connection with such office, and if said member does not, within ten days after the receipt of such notice, file with the president of the board his statement in writing that he is neither candidate nor applicant for such office, that he will not serve nor accept, if elected or appointed, the said board will declare his place vacant, which will be filled in the manner hereinbefore prescribed. When vacancies are filled for any cause other than the expiration of a term, they shall be filled by the council only for the unexpired term.

§ 86. Members of the police force of the city shall be elected by the board of police commissioners. The said force shall consist of as many members as the city council may by ordinance prescribe, but shall not be reduced below one hundred and one men, and the board of commissioners shall have full power and authority to elect a chief of police and such other officers as it shall deem necessary for the proper discipline and management of the force for such term, not exceeding three years, as it may designate. The said board shall elect a surgeon of police, whose term of office shall not exceed three years. The compensation for his services shall be paid out of a fund in the hands of the chief of police, said fund to be raised by levying a tax, not exceeding one dollar per month, upon each member of the police force; but in no event shall the city be liable for the said compensation or any part thereof. All elections to the force shall be for three years, except those to fill vacancies not caused by the expiration of a term, which shall be for the unexpired term only. The chief of police shall be responsible to the board of commissioners for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations, or orders of the board of police commissioners authorize orders to be given direct to any subordinate on the police force. Any officer or member of the force may be fined by the board of police commissioners for good cause shown, such fine to be deducted from his pay, or he may be removed or suspended from the force or reduced in the rank, when the same shall be, in the judgment of the board, for the good of the service.

§ 89. The salary or pay of the officers and members of the police force shall be such as may be prescribed by the city council. It shall be the duty of the board of police commissioners, once in each year and oftener if deemed necessary, to submit to the city council, in writing, a detailed estimate of what funds will be needed for the proper maintenance and growth of the police department, and to request the council to make appropriation accordingly. It shall be the duty of the city council to appropriate such sums of money as the said council shall deem sufficient for the proper maintenance of the police department, for pay-rolls, expense, equipment, and construction.

The said board of police commissioners are authorized and empowered to draw warrants on the auditor of the city to pay claims against the police department, after the same shall have been approved by the board in session, each warrant to be accompanied by an itemized bill for which it is drawn, and to be signed by the president of said board, or the president pro tempore.

2. This act shall be in force from its passage.

CHAP. 491.—An ACT to amend and re-enact sections 1955, 1957, 1963, and 1967 of the Code of Virginia.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That sections nineteen hundred and fifty-five, nineteen hundred and fifty-seven, nineteen hundred and sixty-three, and nineteen hundred and sixty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1955. Board of commissioners; their appointment; meetings; quorum.—The circuit court of Elizabeth City county shall appoint three persons, only one of whom shall be a branch pilot, and the corporation court of Norfolk city four persons, only two of whom shall be branch pilots, to constitute a board of commissioners to examine persons applying for branches as pilots. The board shall hold its meetings in the city of Norfolk, four members whereof shall constitute a quorum. They shall have full authority to make such rules as they may think necessary for the proper government and regulation of pilots licensed by them.

§ 1957. Examination of pilots; their bonds; renewal of branch.—Every person applying to the board to be examined shall produce a certificate of the circuit court of the county or corporation court of the corporation in which he resides that he is of honest demeanor and a citizen of the State, and furnish proof of his having served as an apprentice to some pilot of the State for five years. If the board find him qualified to act as a pilot they shall take from him a bond, in the penalty of five hundred dollars, and grant him a branch on his paying to the board five dollars. They shall return the bond to the clerk of the corporation court. Every pilot holding a branch shall renew the same every twelve months; for which renewal he shall pay one dollar.

§ 1963. Penalty for piloting, and so forth, vessel without authority, or employing unauthorized person as pilot; how offenders proceeded against. If any person, not authorized by law, or any pilot, after removing from the State, undertake to conduct or pilot a vessel to or from sea, or to or from any port or place in Virginia, or if any master or person on board any steamboat or towboat tow a vessel to or from sea, or to or from any port or place in Virginia, except as authorized by this chapter, without having a pilot on board of such vessel (if one shall offer his service), he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, at the discretion of the jury, be imprisoned in jail not more than three months or fined not exceeding two hundred dollars. Any master employing any person not authorized by law, or any pilot who has removed from the State, to act as a pilot of his vessel, shall pay one hundred dollars to any regular branch pilot who shall sue for the same. Warrants for such offenders may be issued, upon the oath of any party complaining, by a justice of any county or mayor or justice of any city in this State, in which such offender may be at the time; and, upon proof of probable cause, the offender shall be bound, with surety in due form of law, to appear at the next term of the circuit court of said county or corporation court of said city for trial of such misdemeanor; and the circuit

court of said county or corporation court of said city shall have jurisdiction for the trial thereof.

§ 1967. Issue of license to coasting vessel by pilots' agents at Norfolk and Richmond; pay of agents.—Pilots shall appoint agents, one for Norfolk city and one for Richmond, who shall grant licenses to coasting vessels trading in all the rivers of this State; for which licenses such agents shall receive ten cents per ton for one year; and coasting vessels having such licenses shall be free to sail without pilots to or from sea; but all vessels, sailing under a coasting license, of the burden of seventy tons or more, coming from or going to sea, without having obtained a license from such agent, shall be subject to the same regulations and pilotage as registered vessels belonging to citizens of the United States.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 492.—An ACT to amend and re-enact sections 2008 and 2022 of the Code of Virginia, as amended by an act approved February 26, 1890, and to amend and re-enact sections 2019 and 2023 of the Code of Virginia.

Approved December 24, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty hundred and eight and twenty hundred and twenty-two of the Code of Virginia, as amended by an act approved February twenty-six, eighteen hundred and ninety, and sections twenty hundred and nineteen and twenty hundred and twenty-three of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 2008. Harbor commissioners for Norfolk and Portsmouth.—For the purpose of preserving and improving the harbors of Norfolk and Portsmouth there shall be appointed a board of harbor commissioners, to consist of seven persons, three of whom shall be appointed by the council of the city of Norfolk, two by the council of the city of Portsmouth, and two by the judge of the circuit court of Norfolk county.

§ 2019. Annual report.—The board shall publish an annual report of their proceedings, and furnish a printed copy of the same to the governor, auditor of public accounts, the judge of the circuit court of Norfolk county, and to the judges of the corporation courts of the cities of Norfolk and Portsmouth.

§ 2022. How other harbor masters appointed; their bonds.—The circuit court of any county or corporation court of any corporation (except the cities aforesaid and the county of Norfolk) may, at any time, appoint one or more harbor masters, and shall take from each person so appointed a bond to the Commonwealth in the penalty of five hundred dollars.

§ 2023. Their terms and jurisdiction.—Every harbor master so appointed shall hold his office at the pleasure of the appointing power. If appointed by a corporation court, he shall act within its jurisdiction; if by the circuit court of a county, he shall act in that part of the county which is without such jurisdiction.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 493.—An ACT to amend and re-enact an act entitled “an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, Prince Edward county, Virginia; to prohibit all persons, firms, corporations, to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to said magisterial district,” approved February 13, 1901.

Approved December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled “an act to establish a dispensary for the sale of intoxicating liquors in Farmville magisterial district, Prince Edward county, Virginia; to prohibit all persons, firms, corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said magisterial district,” approved February thirteenth, nineteen hundred and one, be amended and re-enacted so as to read as follows:

§ 4. The manager of the dispensary shall, at all times, keep, under the supervision of the dispensary board, a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct; and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time, shall be paid by the treasurer of the town of Farmville upon presentation of such bills, approved in writing by the chairman of the dispensary board and said manager. Said manager shall sell only for cash, and shall pay over all moneys received by him to the sergeant of the town once a week, and oftener if so directed by the dispensary board, and the said sergeant shall keep a separate account of the same and pay over the money so received to the treasurer of the town at the end of each month.

2. This act shall be in force from its passage.

CHAP. 494.—An ACT to submit to the qualified voters of the town of Scottsville, in the counties of Albemarle and Fluvanna, Virginia, at a special election to be held therefor, the question of the establishing a dispensary for the sale of intoxicating liquors therein, and in the event a majority of those voting at said election vote for said dispensary, then further to provide for the establishing and the conduct of the same, and to prohibit thereafter within said town the sale, barter, or exchange of intoxicating liquors by all persons, firms, or corporations except as herein provided.

Approved December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That on the fourth Thursday in August, nineteen hundred and four, or at such other time after said date, but not on the day of general election, as may be designated by the judge of the circuit court of Albemarle, there shall be held within and for the town of Scottsville, in the counties of Albemarle and Fluvanna, Virginia, a special election, at which shall be submitted to the qualified voters of said town the question of the establishment of a municipal liquor dispensary in said town as hereinafter provided, which said election shall be held and the returns thereof made and canvassed

and ascertained as provided by the general laws of this State and the provisions of the charter of said town so far as same are applicable, and except as modified by this act. Notice of the time of holding such election shall be posted as provided by general law. The official ballots prepared and used at said election shall contain the words "For dispensary" and the words "Against dispensary." The voter desiring to vote for the establishment of said dispensary as provided by this act shall scratch the words "Against dispensary," leaving the words "For dispensary" unscratched, and the voter desiring to vote against the establishment of said dispensary as provided by this act shall scratch out the words "For dispensary," leaving the words "Against dispensary" unscratched. The certificate of the judges and clerks at said election shall show the number of votes cast "against dispensary," and the commissioners of election shall certify the result of said election to the council of said town, to be entered of record on its minute books. And if at said election a majority of the voters voting thereat shall vote for the establishment of said dispensary as provided by this act, then it shall be unlawful for any person, firm, or corporation, in any capacity whatever, to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the town of Scottsville, in Albemarle and Fluvanna counties, Virginia, after the expiration of four months from the day on which such election is held, except as hereinafter provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than one month or more than six months, or both.

2. If at said election a majority of the voters voting thereat shall vote for the establishment of a dispensary as provided in this act, then the council of the town of Scottsville shall, on the first Tuesday in December, nineteen hundred and three, or as soon thereafter as practicable, elect three citizens of the town of Scottsville, who shall constitute a dispensary board for the said town, whose terms of office shall begin immediately on the date of their election, and the term of the first one elected shall expire one year from said date, the second two years, and the third three years. All vacancies occurring on said board shall be filled by the said council for the unexpired term, and the term of said members of said board shall in all cases be three years, except those first above mentioned and where there is an election to fill a vacancy. The members of said board shall, before entering upon the duties of their office, make oath that they will well and truly carry out to the best of their ability all the provisions of this act, and the said council shall have the right to remove any member of the said board when, in their judgment, he has violated his oath or been guilty of a malfeasance in the office. Said board shall elect one of its members as chairman, whose duty it shall be to audit and approve all its bills contracted by said board, and shall receive for his services the sum of fifty dollars per year.

3. It shall be the duty of the said dispensary board herein provided to provide a suitable place for the sale of spirituous, vinous, malt, and other intoxicating liquors within the corporate limits of the town of Scottsville, where such liquors shall be kept for sale under the direction of the said dispensary board by the manager, who shall have charge and control of all

liquors bought by said dispensary board for sale in said town. The said manager shall be chosen by said dispensary board, and shall have charge of said dispensary or place for the sale of liquors, subject to the control of the dispensary board, and he shall be subject to dismissal at the pleasure of said dispensary board; he shall give bond in the sum to be fixed by said dispensary board, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him to the treasurer of the town of Scottsville; he shall be paid a salary to be fixed by said dispensary board, not exceeding the sum of one hundred dollars per month, which compensation shall not be dependent upon the amount of sales made by him. It shall be the duty of the manager to keep a register, on which shall be kept a record of the quantity sold, price paid, and date of sale. The manager of the dispensary shall at all times keep, under the supervision of the dispensary board, a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct; and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the town of Scottsville, upon presentation of such bills, approved in writing by the chairman of the dispensary board, and said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the town once a week, who shall keep a separate account of the same.

4. Said dispensary board shall make, from time to time, rules and regulations for the operation of said dispensary; but in no event shall wines and liquors be sold to any person known to be an habitual drunkard, to minors, or persons intoxicated, except upon the prescription of a regularly licensed physician. The dispensary shall not be opened before sunrise, and shall be closed at sunset each day, and it shall be closed on Sundays, election days, and such other days under the same circumstances as make the sale of liquors unlawful under the laws of this State. The room in which said business shall be conducted shall front upon one of the streets in said town, and shall have no other means of ingress or egress except through the front door thereof.

5. The price at which spirituous, vinous, or malt liquors shall be sold shall be fixed by the dispensary board.

6. The manager of said dispensary shall sell to no person or persons any spirituous, vinous, or malt liquors except in sealed packages, and whenever an original package is broken it shall be at once bottled and sealed and the price labeled thereon. The said board shall appoint some reliable person to assist said manager whenever it shall become necessary to break any original package and bottle and seal the same, the duty of which person it shall be to see that all of such original packages are bottled in such size packages as may be suggested by the said manager, and securely corked and sealed, and the price labeled thereon. The said manager shall at no time keep, or allow to be kept, any broken or unsealed package of liquor in said dispensary, either for his own use or for the use of any other person or persons. The amount of liquor sold in said sealed packages in said dispensary shall in no case be less than one-half a pint nor more than four gallons, and it shall be unlawful for the said manager, or any other person, to open any such package or bottle, or to drink any

liquor of any kind in or within ten feet of the entrance of the said dispensary. Said manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales for the preceding month and the stock on hand on the last day of the month.

7. Said dispensary board may cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary that are not known on the market as pure and unadulterated, and the board may have the liquors purchased analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the person from whom purchased and payment for the same refused.

8. No liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board is required to make such rules and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing, and if the said board becomes satisfied that any person or persons have purchased, or are purchasing, liquor from the said dispensary for the purpose of selling it again, they shall direct the manager as to the quantity to be sold such person or persons, which shall be such an amount as will probably prevent a resale; and in case such board becomes satisfied that any person or persons are directly or indirectly purchasing repeatedly for the purpose of reselling, then the dispensary board is authorized to direct the manager not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes. The said dispensary board shall have power to employ attorneys, agents, or detectives to assist and aid in the detection and prosecution of any violation of this act; may borrow money necessary to conduct said dispensary, subject to the control of the town council as to the amount borrowed, and shall have the power to do all other proper things, not contrary to law, in order to carry out the true intent of this act.

9. The manager of the dispensary shall not allow any person or persons to loiter in or about the said dispensary, and any person who is violating this provision and refuses to leave at the request of the manager shall be punished, upon conviction, in the mayor's court of said town as may be prescribed by the ordinances of said town.

10. The council of the said town of Scottsville shall from time to time pass such ordinances as may be necessary to carry out the provisions of this act, and shall prescribe suitable penalties for violations of said ordinances.

11. The council of the said town may appropriate from the treasury of said town a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid into said town treasury from the profits arising from said dispensary as they shall accrue, and no profit shall be paid out in any other direction until said amount is so repaid, and thereafter said dispensary shall be supported and maintained out of the profits accruing out of said business: provided, however, that the said town council may allow said board to borrow money or buy goods on the

credit of the dispensary alone if it be necessary to keep said dispensary in operation.

12. The dispensary board shall make and publish an annual report, showing in detail the amount of money expended in the purchase of liquors; the itemized expenses of said dispensary; salary paid to manager, dispensary board, and all other moneys expended on account of said dispensary, and moneys received on account thereof.

13. The members of said board other than chairman shall be paid for their services twelve dollars per annum.

14. The treasurer of the town of Scottsville, before receiving any of the funds derived from said dispensary, shall enter into bond sufficient to cover the amount of funds received by him, which bond shall be for an amount of not less than one thousand dollars, to be received and approved by the mayor and council of Scottsville. The said treasurer shall receive for his services one per centum of all moneys coming into his hands under this act. He shall deposit all moneys paid to him under this act in such depository as the said council of the town of Scottsville may direct, and shall not be responsible for any loss occasioned by the failure of said depository. He shall disburse said funds as directed by said dispensary board under the terms of this act.

15. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia, seven-eighths to the town of Scottsville, to be used for the governmental expenses of said town and other town purposes. But the council of said town may, in its discretion, cause such parts of said seven-eighths as they may deem proper to be accumulated and deposited in some safe depository to be selected by said town council at interest, and whenever practicable to be withdrawn and applied by said town council in constructing, or aiding in the construction, of a bridge suitable for wagons and other vehicles across James river at Scottsville, and for the purpose of paying the interest and principal of any bonds that may hereafter be issued by said town for that purpose under the act of the assembly approved January twenty-fourth, nineteen hundred, found on page one hundred and forty-seven of the acts of the assembly of Virginia of the sessions of eighteen hundred and ninety-nine and nineteen hundred, and after the construction of said bridge said council of said town shall have the right, in their discretion, to apply such part of the said seven-eighths as it may think proper to the maintenance and improvement of the public roads and bridges in the magisterial district surrounding said town in such manner as said council may direct.

16. Any person or persons who shall directly or indirectly keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for sale or distribution or division among the members of any club or association in said town, shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than one hundred dollars, or by confinement in jail not less than ten days nor more than thirty days, or both.

17. In establishing said dispensary said dispensary board may pur-

chase from the present liquor dealers in Scottsville such of their stock on hand January first, nineteen hundred and four, as may be desirable to keep in said dispensary: provided, they shall not pay more than wholesale cost for the same: and provided, that they shall be satisfied that the same are pure.

18. All laws or parts of laws in conflict with this act are hereby repealed so far as applicable to said town of Scottsville.

19. This act shall be in force from its passage.

CHAP. 495.—An ACT to repeal sections 3063, 3065, 3066, and 3067 of the Code of Virginia, and to amend and re-enact sections 3056, 3057, 3058, 3059, 3060, and 3062 of the Code of Virginia, as heretofore amended.

Approved December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That sections three thousand and sixty-three, three thousand and sixty-five, three thousand and sixty-six, and three thousand and sixty-seven of the Code of Virginia, as heretofore amended, be, and the same are hereby, repealed, and that sections three thousand and fifty-six, three thousand and fifty-seven, three thousand and fifty-eight, three thousand and fifty-nine, three thousand and sixty, and three thousand and sixty-two of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 3056. Circuit courts established for counties and cities.—For the city of Williamsburg and the county of James City, for that part of the county of Henrico which is without the corporate limits of the city of Richmond, and for every other county, and for each of the cities of Alexandria, Danville, Lynchburg, Manchester, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, and Roanoke, there shall be a circuit court, which shall be called the circuit court of such county or city, or such city and county, as the case may be.

§ 3057. Judicial circuits.—The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greenville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Danville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

§ 3058. Jurisdiction of circuit courts.—The circuit courts shall have jurisdiction of proceedings by quo warranto, or information in the nature of quo warranto, and to issue writs of mandamus, prohibition, and certiorari, to all inferior tribunals created or existing under the laws of this State, and to issue writs of mandamus in all matters or proceedings arising from or pertaining to the action of the board of supervisors of the several counties for which said courts are respectively held, or other cases in which it may be necessary to prevent the failure of justice, and in which mandamus may issue according to the principles of common law. They shall have jurisdiction of all cases, both civil and criminal, which are existing or pending in the respective county courts for the counties on the thirty-first day of January, nineteen hundred and four, and shall have appellate jurisdiction in all cases, civil and criminal, where an appeal may, as provided by law, be taken or allowed by the said court or

the judge thereof, from or to the judgment or proceedings of any inferior tribunal.

They shall have original and general jurisdiction of all cases in chancery and civil cases at law, except cases at law to recover personal property or money, not of greater value than twenty dollars, exclusive of interest, except such cases as are assigned to some other tribunal; and also in all cases for the recovery of fees, penalties, or any cases involving the right to levy and collect tolls or taxes, or involving the validity of an ordinance or by-law of any corporation; and also of all cases, civil or criminal, where an appeal may be had to the supreme court of appeals.

They shall also have original jurisdiction of all presentments, informations, and indictments for felonies, and for such misdemeanors as may be made cognizable therein by any statute, and of the proceedings therein.

They shall have appellate jurisdiction of all cases, civil and criminal, where an appeal, writ of error, or supersedeas may, as provided by law, be taken to or allowed by the said courts or the judges thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have jurisdiction of all other matters, civil and criminal, made cognizable therein by law; and where a motion to recover money is allowed in said courts other than under section thirty-two hundred and eleven they may hear and determine the same, although it be to recover less than twenty dollars: provided, however, that no circuit court shall have any original or appellate jurisdiction in criminal cases arising within the territorial limits of any city wherein there is established by law a corporation or hustings court.

§ 3059. Commencement and number of their terms.—Unless otherwise herein provided, there shall be held in each of the cities of the Commonwealth two terms of the circuit court of such city in each year, and in each of the counties there shall be held bi-monthly terms of the circuit court of such county, four of which terms, in those counties in which more than four terms are provided, to be designated by the judge thereof, shall be known as quarterly terms, at which all civil cases for which juries may be required shall be tried. At any of the said terms all criminal and chancery causes shall be tried. But the judge of the court may, in any county in which more than five terms are provided, by an order to be entered on the common law order book of said court, omit one of the terms thereof during each year, unless the public business shall require that all of the said terms be held for the proper transaction of business.

Until otherwise provided by law, the times for holding the said terms in said cities and counties shall be as follows: provided, that any term of a circuit court for any of the counties or cities of any circuit may be continued by the judge thereof by adjournment until after the beginning of a term of the court for any other county or city of such circuit, but no term of the court shall be so continued beyond the day fixed by law for the beginning of the next regular term of the court for the county or city of the circuit whose term is so extended.

First Circuit.

Norfolk county—The first Monday in January, February, March, April, May, June, July, October, November, and December.

Princess Anne county—The third Monday in January, March, May, July, September, and November.

Portsmouth city—The fourth Monday in March and September.

Second Circuit.

Isle of Wight—On the first Monday in March, June, October, and December.

Nansemond—On the second Monday in January, March, May, July, and October.

Southampton—On the third Monday in January, March, May, July, and October.

City of Norfolk—On the second Monday in April and November.

Third Circuit.

Prince George county—Third Tuesday in January, March, May, September, November, and July sixth.

Surry county—Fourth Tuesday in January, March, May, September, November, and July twelfth.

Sussex county—First Tuesday in January, March, May, September, November, and July first.

Greensville county—First Tuesday in February, April, June, October, December, eighteenth of July.

Brunswick county—Third Tuesday in February, April, June, and October.

Fourth Circuit.

Amelia—Fourth Thursday in January, March, May, August, October, and December.

Chesterfield—Second Monday in February, April, June, September, and November.

Dinwiddie county—Third Monday in January, March, May, August, October, and December.

Nottoway county—First Thursday in January, March, May, August, October, and December.

Powhatan county—First Monday in February, April, June, September, and November.

City of Petersburg—June the fifth and December the fifth.

Fifth Circuit.

Appomattox county—First Monday in February, April, June, and October.

Buckingham county—Tuesday after the second Monday in February, April, June, and October.

Charlotte county—First Monday in January, March, May, July, September, and November.

Cumberland county—Tuesday after fourth Monday in January, April, June, and November.

Prince Edward county—Third Monday in March, May, September, and November.

Sixth Circuit.

Lunenburg county—Second Monday in April, June, October, and December.

Mecklenburg county—Third Monday in February, April, June, August, October, and December.

Halifax county—Fourth Monday in January, March, May, July, September, and November.

Campbell county—Second Monday in January, March, May, July, September, and November.

City of Lynchburg—Third Monday in January, March, May, September, and November.

Seventh Circuit.

Pittsylvania county—Third Monday in January, March, May, July, September, and November.

Franklin county—March tenth and first Monday in May, September, and December.

Henry county—Second Monday in January, April, June, October.

Patrick county—Tuesday after the fourth Monday in January, March, June, and October.

City of Danville—January fifth and April twenty-ninth.

Eighth Circuit.

Amherst county—Third Monday in February, April, June, August, October, and December.

Nelson county—Fourth Monday in January, March, May, July, September, and November.

Albemarle county—First Monday in February, April, June, August, October, and December.

Fluvanna county—Fourth Monday in February, April, June, August, October, and December.

Goochland county—Third Monday in January, March, May, July, September, and November.

Ninth Circuit.

Rappahannock—Second Monday in February, April, June, August, October, and December.

Culpeper—Third Monday in January, March, May, July, September, and November.

Madison—First Monday in February, April, June, August, October, and December.

Greene—Third Monday in February, April, June, August, October, and December.

Orange—Fourth Monday in January, March, May, July, September, and November.

Louisa—Second Monday in January, March, May, July, September, and November.

Tenth Circuit.

Henrico—First Monday in January, April, July, and October.

City of Richmond—First Monday in February, May, and November.

Eleventh Circuit.

Accomac—First Monday in January, March, May, July, September, and November.

Northampton—Second Monday in January, March, May, July, September, and November.

Elizabeth City—Third Monday in January, March, May, July, September, and November.

City of Newport News—First Monday in February, April, June, August, October, and December.

Twelfth Circuit.

Richmond county—First Monday in January, March, May, July, September, and November.

Northumberland—Second Monday in February, April, June, August, October, December.

Lancaster—Third Monday in January, March, May, July, September, November.

Westmoreland—Fourth Monday in February, April, June, August, October, December.

Essex—Third Monday in February, April, June, August, October, December.

Thirteenth Circuit.

Gloucester—First Monday in January, March, May, July, September, November.

Mathews—Third Monday in January, March, May, July, September, November.

King and Queen—Second Tuesday in February, April, June, August, October, December.

King William—First Tuesday in February, April, June, August, October, December.

Middlesex—Fourth Wednesday in January, March, May, July, September, and November.

Fourteenth Circuit.

New Kent—Second Thursday in January, March, May, July, September, November.

Charles City—Third Thursday in February, April, June, August, October, December.

York—First Tuesday in February, April, June, August, October, December.

Warwick—Second Monday in January, March, May, July, September, November.

James City—Second Monday in February, April, June, August, October, December.

City of Williamsburg—First day of May and November.

Fifteenth Circuit.

King George—First Thursday in January, March, May, July, September, November.

Stafford—Fourth Wednesday in January, March, May, July, September, November.

Spotsylvania—First Monday in February, April, June, August, October, December.

Caroline—Third Monday in February, April, June, August, October, December.

Hanover—Third Monday in January, March, May, July, September, November.

Sixteenth Circuit.

Fauquier—Fourth Monday in January, March, May, July, September, November.

Loudoun—Second Monday in February, April, June; third Monday in August; second Monday in October and December.

Prince William—First Monday in February, April, June, August, October, December.

Fairfax—Third Monday in January, March, May, July, September, November.

Alexandria—Fourth Monday in February, April, June, August, October, December.

City of Alexandria—First Monday in May and November.

Seventeenth Circuit.

Frederick—First Monday in February, April, June, August, October, December.

Clarke—Fourth Monday in January, March, May, July, September, November.

Warren—First Monday in January, March, May, July, September, November.

Page—Third Monday in February, April, June, August, October, December.

Shenandoah—Second Monday in January, March, May, July, September, November.

Eighteenth Circuit.

Rockingham—Third Monday in January, March, May, July, September, November.

Rockbridge—Second Monday in February, April, June, August, October, December.

Augusta—Fourth Monday in February, April, June, August, October, December.

Nineteenth Circuit.

Alleghany—February first, April first, June fifteenth, September fifteenth, December fifteenth.

Bath—Twentieth day of March, May, July, November.

Botetourt—March first, June first, August twenty-fifth, December first.

Craig—Twentieth of February and tenth of May and October.

Highland—Fourth Tuesday in April, July tenth, November tenth.

Twentieth Circuit.

Bedford—First day of March, September, and December and tenth day of June.

City of Roanoke—Fifteenth day of March, May, September, and December.

Montgomery—February fifteenth and first day of May, July, October.

Roanoke—January first, April first, June first, November fifteenth.

Floyd—The first day of February, sixteenth day of April, July, October.

Twenty-first Circuit.

Wythe—First Monday in January, April, August, first Monday in November.

Pulaski—Second Monday in February, first Monday in May and September, third Monday in November.

Carroll—First Monday in March, third Monday in May and September, first Monday in December.

Grayson—Tuesday after third Monday in March, Tuesday after first Monday in June, Tuesday after second Monday in October, Tuesday after second Monday in December.

Twenty-second Circuit.

Giles—First Monday in February, second Monday in May, fourth Monday in September.

Bland—Second Monday in March, July, and third Monday in October.

Tazewell—Third Monday in February, fourth Monday in May, August, and November.

The judge may designate one of the terms of the court for Tazewell county, at which only criminal cases shall be tried.

Buchanan—Tuesday after fourth Monday in March, July, and Tuesday after second Monday in December.

Twenty-third Circuit.

Washington—Fourth Monday in January, March, May, November, third Monday in September.

Russell—Tuesday after the first Monday in January, March, May, September, November.

Smyth—Third Monday in February, April, August, October, December.

Twenty-fourth Circuit.

Scott—First Monday in February, May, September, fourth Monday in November.

Lee—Third Monday in February, May, September, second Monday in December.

Wise—First Monday in January, April, August, November.

Dickenson—Third Monday in March, July, October, fourth Monday in January.

§ 3060. Special terms; when, how and by whom appointed.—If any term of a circuit court is to end, or has ended, without the dispatch of all its business, or if there be a failure to hold any term, or it is expedient in the opinion of the judge of such court to hold a special term for the trial of any cause pending in such court, or of issues made up in any cause by consent of parties, or if the situation of a person confined in jail for trial in such circuit court makes it proper that his case should be disposed of before the next regular term thereof, the judge of such circuit court, or, if he is dead, or is unable from any cause to hold his court, the judge of any other circuit court, or judge of a corporation or hustings court of a city of the first class, who has been designated by the governor to hold such terms, may, by order entered in such court, or by a warrant directed to the clerk, appoint a special term thereof and prescribe in such order or warrant whether any venire is to be summoned to attend the said term. The clerk shall inform the attorney for the Commonwealth and the sheriff or sergeant of such appointment, post a copy of the warrant or order at the front door of the courthouse, and issue all proper process to such special term, and the sheriff or sergeant shall execute the process.

§ 3062. What tried at a special term; who may hold it.—At any such special term any civil case may be tried which could lawfully have been but was not tried at the last preceding term that was or should have been held; and any motion for a judgment, or other motion cognizable by such court, may be heard and determined, whether it was pending at the preceding term or not, and any criminal case may be tried at such special term as if it were a regular term, although at the preceding regular term the same may not have been pending in said court or may have been continued; and any cause or matter of controversy, at law or in chancery, then ready for hearing or which may be made ready by consent of parties, may, with the consent of the parties to such cause or controversy, be heard and determined, although it could not lawfully have been heard at the preceding term that was or should have been held. Every such special term may be held by the judge of the circuit court, or if he be dead or absent, or be so situated in respect to any cause pending in said court as in his opinion to make it improper for him to try it, by such other circuit or city judge as may be selected or designated in the manner prescribed by law. It shall be the duty of the judge so selected or designated to hold such special term, and it may be held part of its session by one judge and part of it by another, and such special terms may be adjourned from time to time during intervals between the regular terms as to the judge may seem necessary for the dispatch of the business of the court. A judge selected or designated to hold a special term shall have all the powers and

be authorized to discharge all the duties of the judge of said circuit court.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 496.—An ACT to authorize the improvement of the roads of Frederick county, and to provide funds to pay the same.

Approved December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That J. T. McIlwee, R. L. Omph, C. E. Clevenger, C. G. Crawford, and Thomas W. Steck, citizens of Frederick county, any three of whom may act, be, and they are hereby, appointed commissioners to supervise and carry out the provisions of this act as the same are set forth in the succeeding sections hereof.

2. The said commissioners shall at a special election to be called by them at such time within one year from the passage of this act as they may decide, cause to be submitted to the voters of each district of said county the question of the adoption of this act, and of the application of the same to each particular district in said county, and the election shall be conducted, held, and certified by the same officers and in the same manner as is or shall be provided by law for the election of district and county officers in said county. The commissioners shall cause a written or printed notice of said election to be posted at each election precinct in the county for at least ten days before such election. The commissioners shall also cause to be printed and sent out to each precinct ballots of white paper, upon which shall be printed the following words: For road improvement by bond issue; Against road improvement by bond issue. Any voter desiring to vote for the improvement of the roads by an issue of bonds shall make an X or a similar mark opposite the first line in the ballot, and the voter opposed to any application of the law to his district shall make his mark opposite the second line of the ballot. The result of this election shall be ascertained and certified by the election officers to the clerk of the court in the same manner that the certificate is made for the election of the county and district officers, and the cost of holding this election shall be paid in the same manner as election expenses for county and district officers are paid.

3. If the majority of the votes cast in any one or more districts is for road improvement by bonds, the commissioners herein provided for shall ascertain and determine which of the principal county roads in such districts shall be macadamized and prepared for that purpose, and which of the principal roads shall be graded and otherwise improved, but the total cost of the improvement of the roads in the districts of the county to which this law is applicable shall not exceed the amount of the total issue of bonds provided for by this act. The commissioners shall then make an approximate estimate of the cost of improving each road so selected in each district, and the total cost of all the roads so selected in all the districts, and shall certify the same, with a correct list of said roads so selected, to the board of supervisors of the county, who shall cause said

certificate to be published for at least ten days in one or more newspapers published in Winchester. In selecting the various roads to be improved under this act, it shall be the duty of the commissioners herein provided for to ascertain by public advertisement or otherwise the amount of voluntary aid which can be secured from adjacent freeholders and others to be benefited by such improvement, and in making final selection of the roads to be improved due regard shall be had to the amount of voluntary aid so secured. The board of road commissioners of each district shall treat first the roads of the most general importance selected, and should the sum of money allotted to any district be insufficient to treat all the roads selected for that district, they shall defer the treatment of the others until some other fund shall be provided for that purpose.

4. Upon the final ascertainment and selection of the roads to be treated, the commissioners herein provided for shall cause to be prepared coupon or registered bonds of the county of Frederick, which shall be free from county and district taxation, in denominations of one hundred dollars and five hundred dollars, payable twenty years after date, with the privilege of paying in ten years, and with interest at a rate not exceeding five per centum per annum, payable semi-annually, the amount of these bonds to be equal to the sum needed for the treatment of all the roads selected as certified, but in no event to exceed in the aggregate the sum of fifty thousand dollars. The said bonds shall, as the proceeds thereof shall be needed for the treatment of the roads as provided by this act, be signed by the president of the board of supervisors and by the treasurer of the county, and as needed the county treasurer shall sell the same to the highest bidder, but in no event shall bonds be sold for less than par.

5. The proceeds of sale of said bonds shall by the treasurer be allotted to the several districts which shall have voted for the bond issue in proportion to the need of such districts as ascertained by the certificate required by clause three of this act, but not exceeding the proportion that the assessed value of the property in such district bears to the assessed value of the property in other districts of the county to which this act shall apply.

6. The interest on the bonds provided for by this act shall be paid by the treasurer of Frederick county semi-annually as it becomes due, and a sum of money equal to five per centum on the principal of said bonds shall be annually set aside by the treasurer as a sinking fund for the same, and this shall be invested semi-annually either in the purchase or payment of said bonds. If the law for the improvement of the roads by bonds is made applicable to every district in the county, the interest and sinking fund payments paid by the county shall be charged as follows: Forty per centum thereof to the county at large and sixty per centum of the interest and sinking fund payment on the amount allotted to each district, to be charged by the board of supervisors to the road fund of such district, but if the law is not made applicable to all the districts, then each district to which the law is applicable shall repay to the county, out of its annual road fund, the amount of interest and sinking fund payment on so much of the fund for road improvements as under this act is allotted to such district.

7. If the majority of votes cast in any district shall be against road improvement in such district, this act shall have no application whatever to such district.

8. The money allotted to each district under this act shall remain in the hands of the county treasurer, and shall be paid out for the treatment of the roads herein provided for from time to time on orders as is at present provided by the county road law, and the same shall be accounted for by the county treasurer in his settlement with the board of supervisors.

9. After the roads to be treated have been selected as provided by this act the same shall be improved to an extent not exceeding the sum allotted to each district, the improvement to be made under the direction of the board of road commissioners of the several districts: provided, that it shall be lawful for the board of supervisors to employ a practical road maker having sufficient experience and knowledge of such things, on such terms as they may agree on, and the duties of this person shall be to aid the board of road commissioners in each district when desired by any such board, and to supervise any particular work to which he may be assigned. In the treatment of the roads under this act the board of road commissioners shall cause such of them as it is feasible to macadamize to be macadamized with a single track of sufficient width and of such depth as the conditions demand, and before macadamizing the same to have them so graded that the whole work will be done to the most advantage. The selected roads that cannot be macadamized shall be so drained and graded as to secure the best possible roads within the limits of the sum appropriated therefor. After the roads shall be so treated by the board of road commissioners as provided by this act, they shall continue to be worked and cared for under the general road act of the county: provided, however, that in reconstructing said roads under this act such minor changes in their courses as may be necessary may be made, and the damages therefor shall be ascertained and paid for under the provisions of the general road law of the county.

10. The duties of the commissioners named in this act shall be to cause the same to be duly submitted to the voters of each district of Frederick county as herein provided, and in the case of such districts as shall adopt a system of road improvement to aid in the selection of the roads to be improved as provided in section three of this act, to cause bonds to be prepared and allotted for such district or districts as shall vote for that method, and when these duties shall have been performed their functions shall cease. The compensation of the commissioners shall be two dollars to each commissioner for each day that he shall actually engage in the performance of his duties.

11. An act entitled an act to authorize the improvement of the public roads in Frederick county, and to provide funds to pay for the same, approved May fifth, nineteen hundred and three, is hereby repealed.

12. This act shall be in force from its passage.

CHAP. 497.—An ACT to amend and re-enact sections 1591 and 1595 of the Code of Virginia, as amended by an act approved May 20, 1903.

Approved December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and ninety-one and fifteen hundred and ninety-five of the Code of Virginia, as amended by an act approved May twentieth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 1591. Appointment of visitors of the college.—The governor, subject to confirmation by the senate, shall appoint as visitors of said college, eight persons, selecting them from amongst farmers, mechanics, and graduates of said college, and if practicable, two from each of the four grand divisions of the State.

The visitors now in office shall hold office until July first, nineteen hundred and four. Within six months preceding the said day, the governor, subject to confirmation by the senate, shall appoint to fill the vacancies so to be occasioned, four persons, who shall hold office for two years, and four who shall hold office for four years, respectively, from the first of July, nineteen hundred and four; and biennially thereafter the governor, subject to confirmation by the senate, shall, within six months preceding the expiration of their respective terms, appoint their successors for terms of four years. If a vacancy occur during the recess of the general assembly, the governor shall fill it by appointment for the unexpired term of the late incumbent, subject to the ratification of the senate at the next session of the general assembly. The eight persons so appointed, together with the superintendent of public instruction and the president of the board of agriculture, who shall be ex-officio members, shall constitute the board of visitors.

§ 1595. Meetings of board.—The said board shall meet at Blacksburg, in the county of Montgomery, at least once a year, and at such other times or places as they shall determine, the days of meeting to be fixed by them. Special meetings of the board may be called by the governor, the rector, or any three members. In either of said cases, notice of the time and place of meeting shall be given to every other member.

2. This act shall be in force from its passage.

CHAP. 498.—An ACT to amend and re-enact section 3559; section 3560, as amended by an act of the general assembly approved February 24, 1898; sections 3562 and 3563, chapter 174, of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and fifty-nine; section thirty-five hundred and sixty, as amended by an act of the general assembly approved February twenty-fourth, eighteen hundred and ninety-eight; sections thirty-five hundred and sixty-two, and thirty-five hundred and sixty-three, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 3559. Clerks of circuit, corporation, or hustings courts and clerk of chancery court of Richmond to keep judgment dockets; what judgments to docket therein; clerks of circuit courts in cities to deliver abstracts of judgments rendered in their courts or offices; abstracts of judgments against fiduciaries, receivers, et cetera, not to be docketed unless required.—The clerk of the chancery court of the city of Richmond, and of every circuit and corporation or hustings court except the hustings court of the city of Richmond, and except circuit courts of cities, shall keep in his office, in a well-bound book, a judgment docket, in which he shall docket, without delay, any judgment for money rendered in this State by any State or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated abstract of it; and shall docket every judgment for money rendered in his court or office, and every such judgment, the abstract of which is delivered to him by the clerk of the circuit or other court of his corporation, and also upon the request of any person interested therein, any such judgment rendered by a justice whose book has been filed in his office under the provisions of section twenty-nine hundred and forty-four, or of which an abstract is delivered to him certified by the justice who rendered it. The clerk of the circuit or other court of each corporation, except the clerk of the circuit or of a city court of the city of Richmond, shall, without delay, deliver to the clerk of the corporation or hustings court of his corporation, and the clerk of the circuit or of a city court of the city of Richmond to the clerk of the chancery court of said city, an authenticated abstract of every judgment for money rendered in his court or office, except that judgments, decrees, or orders against fiduciaries for which they are not personally liable, and against commissioners and receivers of any court, and against any bank or incorporated company doing a banking business for money deposited under or subject to the order of any court, or by a commissioner or receiver thereof, shall not be docketed, nor abstracts thereof delivered by the clerks of the circuit courts to the clerks of the corporation or hustings court, or by the clerks of the circuit or city courts of Richmond to the clerk of the chancery court of the said city, unless required by the plaintiff in such judgment, decree, or order, or some person interested therein, to be so certified and docketed, and then only at the cost of such plaintiff or person so interested.

§ 3560. How judgments are docketed.—In such docket there shall be stated, in separate columns, the date and amount of the judgment; the names of all the parties thereto; the alternative value of any specific property recovered by it; the date of docketing it; the amount and date of any credits thereon; the court in which, or the justice by whom it was rendered; and when paid off or discharged, in whole or in part, the time thereof, and by whom such payment or discharge was made, where there is more than one defendant. And in case of a judgment or decree by confession or in vacation the clerk shall also enter in such docket the time of day at which the same was confessed, or at which the same was received in his office to be entered of record. And it shall be the duty of the clerk of any circuit or city court for a corporation in which a judgment is confessed or entered in vacation, to certify to the clerk of the

hustings or corporation court thereof the time of day of such confession or the time at which the vacation decree was received in his office to be entered, except that in the city of Richmond he shall certify the same to the clerk of the chancery court of said city.

§ 3562. When and how payment thereof entered on judgment docket; clerks of circuit courts to certify satisfaction of judgments.—The fact of the payment or discharge, either in whole or in part, of any judgment so docketed, and if there be more than one defendant, by which defendant it was paid or discharged, shall be entered, as aforesaid, by the clerk upon the return of any execution showing such satisfaction or upon the certificate of the clerk from whose office such execution was issued, that the same has been satisfied in whole or in part, or upon the direction of the judgment creditor or his attorney, and the clerk of the circuit or other court of each corporation, except the clerks of the circuit or city courts of the city of Richmond, whenever it appears from the return of an execution issued thereon that any judgment rendered in his court or office has been satisfied, in whole or in part, shall, without delay, certify the fact of such satisfaction, and if there be more than one defendant, by which defendant it was satisfied, to the clerk of the corporation or hustings court of his corporation, and the clerks of the circuit or city courts of the city of Richmond to the clerk of the chancery court of the said city.

§ 3563. Judgment, when paid, to be so noted by creditor on judgment docket, et cetera; how noted, signed, and attested.—In all cases where payment or satisfaction of any judgment so docketed is made which does not appear by the return of an execution to the office of the clerk where the judgment is docketed or which is not required to be certified to him under the preceding section, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such payment, or satisfaction, whether in whole or in part, and if there be more than one defendant, by which defendant it was paid or discharged, to be entered within ninety days after the same is made, on said judgment docket; or, if the judgment has not been docketed, then on the execution book in the office of the clerk from which the execution issued. And for any failure to do so, after the same is made, such judgment creditor shall be liable to a fine of twenty dollars. Such entry of payment or satisfaction shall be signed by the creditor, his duly authorized agent or attorney, and be attested by the clerk in whose office the judgment is docketed, or, when not docketed, by the clerk from whose office the execution issued.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 499.—An ACT to amend and re-enact sections 3454, 3455, as amended by an act of the general assembly approved January 18, 1888; sections 3457, 3459, 3460, 3465, 3466, 3467, 3469, 3471, 3474, 3485, 3488, and 3490 of chapter 170 of the Code of Virginia, and to repeal sections 3453, 3468, 3473, 3482, 3483, and 3487 of said chapter of said Code.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-four hundred and fifty-four, thirty-four hundred and fifty-seven, thirty-four hundred and fifty-nine, thirty-four hundred and sixty, thirty-

four hundred and sixty-five, thirty-four hundred and sixty-six, thirty-four hundred and sixty-seven, thirty-four hundred and sixty-nine, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and eighty-five, thirty-four hundred and eighty-eight, and thirty-four hundred and ninety of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3454. In what cases petitions for appeal, writ of error, or super-sedeas may be awarded.—Any person who thinks himself aggrieved by any judgment, decree, or order in a controversy concerning the title to or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, wharf, or landing, or the right of the State, county, or municipal corporation to levy tolls or taxes, or involving the construction of any statute, ordinance, or county proceeding imposing taxes, or by any final order, judgment, or finding of the State corporation commission, irrespective of the amount involved, except the action of the said commission in ascertaining the value of any property or franchise of a railroad or canal company; for the purpose of taxation and assessing taxes thereon, or any person who is a party to any case in chancery wherein there is a decree or order dissolving an injunction, or requiring money to be paid, or the possession or title of property to be changed, or adjudicating the principles of a cause, or any person thinking himself aggrieved by the order of a judge or court refusing a writ of quo warranto, or by the final judgment on said writ, or by a final judgment, decree, or order in any civil case, may present a petition, if the case be in chancery, for an appeal from the decree or order; and if not in chancery, for a writ of error or super-sedeas to the judgment or order, except as provided in section thirty-four hundred and fifty-five: provided, however, that the Commonwealth may take an appeal from the action of the State corporation commission in all cases, irrespective of the amount involved.

§ 3457. Transcript of record to be exhibited with such petition; person applying for transcript to notify opposite party or his counsel; certificate of clerk to transcript.—With such petition there shall be a transcript of the record of so much of the case wherein the judgment, decree, or order is as will enable the court, or judge thereof in vacation, to whom the petition is to be presented, properly to decide on such petition, and enable the court, if the petition be granted, properly to decide the questions that may arise before it. The person intending to apply for such transcript shall notify the opposite party, or his counsel, if either reside in this State, of his intention, and no clerk of any court, nor the clerk of the State corporation commission, shall make out and deliver such transcript unless it is made to appear that such notice was given. A certificate of the clerk stating the fact shall in every case accompany the transcript when presented to the appellate court or judge. It shall be sufficient to give such notice to the attorney who appeared as counsel for the adverse party in the court or tribunal which rendered the judgment, decree, or order, unless such party has retained other counsel to represent him in the appellate court and that fact is known to the petitioner, in which case the notice shall be given to such counsel.

§ 3459. Where parties differ, the judge to decide.—If the appellee, or defendant in error, or his counsel, desire any part of the record to be copied, and the appellant or his counsel object to the same, the question may be referred to the judge of the court or to the tribunal in which the case was decided, who shall decide the same, and the clerk in making out the transcript shall conform to instructions given him by such judge or tribunal.

§ 3460. Parties may agree upon what shall be copied, or may agree the facts to be copied in lieu of complete record.—The parties, or their counsel, may agree upon such part of the record to be copied by the clerk as they think will enable the appellate court properly to decide the case, or they may agree the facts, or any part of them, to be copied by the clerk in lieu of the complete record. Such agreement, however, shall not affect the right of either party to correct any mistake. Nothing contained in this and the three preceding sections shall preclude the appellate court, or judge thereof in vacation, from awarding a writ of certiorari in a proper case upon the application of either party.

§ 3465. To whom presented; endorsement of judge thereon.—The petition may be presented to the supreme court of appeals, or to a judge thereof, and if it be presented to a judge, he shall endorse thereon the day and year he receives it.

§ 3466. When to be rejected; when rejection final.—The petition shall be rejected when it is from an interlocutory decree or order, if the court or judge to whom it is presented deems it proper that the case should be proceeded in further in the court below before an appeal is allowed therein. If the court shall deem the judgment, decree, or order complained of plainly right, and reject the petition on that ground, and the order of rejection so states, no other petition therein shall afterwards be entertained. But the rejection of such petition by a judge in vacation shall not prevent the presentation of such petition to the court at its next term.

§ 3467. When appeal, et cetera, allowed; when supersedeas awarded.—The court or judge to whom a petition is duly presented, if of opinion that the decision complained of ought to be reviewed, may allow an appeal, writ of error, or supersedeas, and in a case of appeal (as well as of a writ of error) may award a supersedeas to stay proceedings either in whole or in part.

§ 3469. In what court appeal, et cetera, to be docketed; what process to issue.—Every appeal, writ of error, or supersedeas shall be docketed in the supreme court of appeals, at the place of session, where it may be heard and determined according to sections thirty hundred and eighty-nine, thirty hundred and ninety, thirty hundred and ninety-one, thirty hundred and ninety-two, and thirty hundred and ninety-three. The clerk of the said court shall issue a summons against the parties interested, other than the petitioners, that they may be heard, and also issue any supersedeas which may be awarded.

§ 3471. When and by whom taken; endorsement on process from court of appeals.—Such bond shall be taken by the clerk of the State corporation commission, in which an appeal is entered of right, before such entry, or where an appeal, writ of error, or supersedeas is allowed on petition,

before process is issued thereupon. The clerk of the supreme court of appeals shall endorse on the summons or supersedeas that it is not to be effectual until such bond be given before the clerk of the court below, who shall take said bond and endorse on the process that it has been given, and the names of the sureties therein.

§ 3474. Limitation of appeals, writ of error, or supersedeas.—No process shall issue on an appeal, writ of error, or supersedeas, allowed to or from a final judgment, decree, or order, if when the record, with the petition required by section thirty-four hundred and fifty-seven, is delivered to the clerk of the appellate court there shall have elapsed one year since the date of such final judgment, decree, or order, or six months if the decree appealed from was a decree refusing a bill of review to a final decree rendered more than six months prior thereto. No such process shall issue upon an appeal, writ of error, or supersedeas allowed to a final judgment, order, or finding of the State corporation commission if, when the record, with the petition required by law, is delivered to the clerk of the appellate court, there shall have elapsed one year since the date of such final judgment, order, or finding, or six months in those cases in which by law the period of six months is prescribed as the period within which such appeal, writ of error, or supersedeas may be allowed. The appeal, writ of error, or supersedeas shall be dismissed whenever it appears that one year or six months, as the case may be, has elapsed since the said date before the record, with the said petition, is delivered to such clerk, or before such bond is given as is required to be given before an appeal, writ of error, or supersedeas takes effect: provided, that the time which shall elapse from the presentation of the petition for an appeal, writ of error, or supersedeas, and the delivery of the record, with the petition required by law, to the clerk of the appellate court as aforesaid, shall be excluded from the computation of the said period of one year or six months, as the case may be.

§ 3485. Decision of appellate court.—The appellate court shall affirm the judgment, decree, or order if there be no error therein, and reverse the same, in whole or in part, if erroneous, and enter such judgment, decree, or order as the court whose error is sought to be corrected ought to have entered. The assent of at least three of the judges shall be required for the court to determine that any law is or is not repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit shall be temporarily filled in the manner prescribed by law.

§ 3488. When clerk of court of appeals to transmit its decisions.—

When any term of the court of appeals is ended, or sooner, if the court so direct, the clerk thereof shall certify, and by mail or otherwise transmit its decision to the clerk of the court below or State corporation commission, as the case may be, except that it shall not be his duty to certify or transmit a copy of a decree or judgment of affirmance unless the appellee or defendant in error shall have paid all fees due from him in the case, or shall endorse on such copy so much of the decree or judgment, for the benefit of the clerk, as the unpaid fees shall amount to. If any clerk fail to comply with this section for twenty days, except as aforesaid, he shall forfeit fifty dollars to any person aggrieved thereby.

§ 3490. How decision of court of appeals entered in court or State corporation commission from which cause came; issue of execution thereon, et cetera.—The court and the State corporation commission from which any case may have come to the court of appeals shall enter the decision of the appellate court as its own, and execution or other appropriate process may issue thereon accordingly. When that decision is received by the clerk of the court or tribunal below, he shall enter it of record in his order book, and thereupon such execution may issue and such proceedings be had in the case as would have been proper if the decision had been entered in court.

2. Be it further enacted, That sections thirty-four hundred and fifty-three, thirty-four hundred and sixty-eight, thirty-four hundred and seventy-three, thirty-four hundred and eighty-two, thirty-four hundred and eighty-three, and thirty-four hundred and eighty-seven of the Code of Virginia be, and the same are hereby, repealed.

3. This act shall be in force on and after the first of February, nineteen hundred and four.

CHAP. 500.—An ACT to amend and re-enact section 1781 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and eighty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1781. Bond of person obtaining bodies; penalty for trafficking in them; their importation.—Neither the university, nor any college, school, physician, or surgeon shall be allowed to receive any such body until a bond shall have been given to the Commonwealth by such physician or surgeon, or by or in behalf of the university, or such college or school, to be approved by the judge of the circuit court, county clerk, or Commonwealth's attorney of the county or the judge of the corporation court, the clerk thereof, or Commonwealth's attorney of the corporation in which such physician or surgeon resides, or in which the university or such college or school is situated, and filed in the office of the clerk of said court, in the penalty of one thousand dollars, with condition that all such bodies which the said physician or surgeon, or the university or said college or school, as the case may be, shall receive thereafter, shall be used only for the promotion of medical science within this State. If any person sell

or buy any such body, or in any way traffic in the same, or transmit or convey, or procure in order to be transmitted or conveyed, any such body to any place outside of this State, he shall be fined not exceeding two hundred dollars, or, in the discretion of the jury, be confined in jail not exceeding one year: provided, that the board may, in its discretion, on the application of any person, empower such person to import into this State and traffic in such anatomical material and pathological specimens as the board may designate. Nothing in this chapter shall be construed as repealing an act approved March fifth, eighteen hundred and ninety-four, giving the State board of embalmers of Virginia the authority to use bodies in its schools for teaching embalming.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 501.—An ACT to amend and re-enact section 3552 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and fifty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3552. Who to tax costs; what included for attorney's fees.—The clerk of the court wherein any party recovers costs shall tax the same. He shall include therein for the fee of such party's attorney, if he has one:

In a circuit, corporation, or other court, unless it be a judgment by default on a forthcoming bond, or a case otherwise provided for, two dollars and fifty cents; in a complaint of unlawful entry or detainer, five dollars; in a case of the Commonwealth, if no higher fee be allowed, five dollars; in an action of ejectment, five dollars; in a chancery cause other than a motion, when the matter in controversy does not exceed one hundred dollars in amount or value, five dollars; when it exceeds that amount, fifteen dollars; in the court of appeals, twenty dollars; but in no case shall more than one fee be taxed against the same party, unless the court otherwise direct.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 502.—An ACT to amend and re-enact sections 3888, as amended by an act approved January 15, 1894; 3902, 3903, 3904, 3909, as amended by an act approved March 1, 1898, and 3911, and to repeal section 3910 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-eight hundred and eighty-eight, as amended by an act approved January fifteenth, eighteen hundred and ninety-four; thirty-nine hundred and two, thirty-nine hundred and three, thirty-nine hundred and

four, thirty-nine hundred and nine, as amended by an act approved March first, eighteen hundred and ninety-eight, and thirty-nine hundred and eleven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3888. How attempts to commit offenses punished.—Every person who attempts to commit an offense, and in such attempt does any act towards its commission, shall, when not otherwise provided, be punished as follows: If the offense attempted be punishable with death, the person making such attempt shall be confined in the penitentiary not less than two nor more than five years, except that attempts to commit rape shall be punishable with death, or in the discretion of the jury, or of the court trying the case without a jury, by confinement in the penitentiary not less than three nor more than eighteen years; if it be punishable by confinement in the penitentiary, he shall be confined in jail not less than six nor more than twelve months; if it be punishable by confinement in jail or fine, he shall be confined in jail not exceeding six months or fined not exceeding one hundred dollars; but if the attempt be to commit grand or petit larceny, he shall be fined or imprisoned in jail, in the discretion of the jury, or of the court trying the case without a jury, not less than fifteen days nor more than six months.

§ 3902. How misdemeanors punished.—A misdemeanor, for which no punishment is prescribed by statute, shall be punished by fine or confinement in jail, or both, in the discretion of the jury, or of the court trying the case without a jury.

§ 3903. How term of confinement, or amount of fine, of person convicted of felony is ascertained.—The term of confinement in the penitentiary, or in jail, of a person convicted of felony, if that punishment is prescribed, and the amount of the fine, if the felony be also punishable by fine, shall be ascertained by the jury, or by the court trying the case without a jury, so far as the term of confinement and the amount of the fine are not fixed by law.

§ 3904. How of person convicted of misdemeanor; minimum fine.—The term of confinement in jail of a person convicted of a misdemeanor, where that punishment only is proscribed, and the amount of the fine, where the punishment is by fine only, and the term of confinement and amount of the fine, where the misdemeanor is punishable both by confinement in jail and fine, or where it is punishable by either or both, in the discretion of the jury, or of the court trying the case without a jury, shall, except where it is otherwise provided, be ascertained by the jury or justice trying the case, or by the court trying the case without a jury, so far as the term of confinement and the amount of the fine are not fixed by law: provided, that no fine shall be assessed by a jury, or court, at less than five dollars, or by a justice at less than two dollars and fifty cents, unless otherwise provided by law.

§ 3909. Clerks to keep registers of descriptive lists of persons convicted of felony, and so forth; form of register; photographs of convict may be taken; copy of lists and photographs to be evidence of identity, and so forth.—The clerk of the circuit court of each county and of the circuit, corporation, or hustings court of each corporation shall keep a register of full and accurate descriptive lists of every person convicted in

his own court of felony or other infamous offense. Such register shall be kept written up, well indexed. Each list shall be duly attested by said clerk, and the same shall be open to public inspection at all reasonable hours: provided, however, that in cities which have both a circuit and a corporation court such register shall be kept by the clerk of the corporation court only, but the clerk of the circuit court shall, within ten days from the date of conviction of any person in his court of any felony or other infamous offense, deliver to the clerk of the corporation court for record in said register an attested descriptive list of the persons so convicted in the form herein prescribed. For the service mentioned in this section the said clerks shall each be entitled to a fee of fifty cents, to be paid out of the State treasury.

Whenever directed so to do by the judge or any court in which the case has been tried the sheriff, sergeant, or chief of police of such county or corporation shall cause to be taken the photograph of such convict, and the clerk of said court shall file a copy of such photograph with the records of the case: provided, however, that the costs of taking such photograph shall not be paid out of the treasury of the Commonwealth.

A duly certified and attested copy of such descriptive list and such photograph may be used as prima facie evidence of the facts therein stated or shown in any question of identity.

Such register shall be in the following form:

Name in full and aliases.	Present and last known residence.	Color.	Height, eyes, hair, and marks.	Apparent or known age.	Occupation.	Offenses.	Court in which convicted.	Date of conviction and page of record.	Whether judgment reversed and pardon granted, and date thereof.

§ 3911. The judges of the respective courts shall take care that the provisions of section thirty-nine hundred and nine are punctually and properly carried out by their respective clerks.

2. Be it further enacted, That section thirty-nine hundred and ten of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 503.—An ACT to amend and re-enact sections 3498, 3500, 3505, 3506, and 3508 of the Code of Virginia, and to amend and re-enact sections 3515 of the Code of Virginia, as amended by an act approved February 14, 1896, and section 3519 of the Code of Virginia, as amended by an act approved February 13, 1896, and section 3528, as amended by an act approved March 5, 1900, and also to repeal section 3524 of the Code of Virginia, as amended by an act approved February 20, 1900, and section 3525 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections three thousand four hundred and ninety-eight, three thousand five hundred, three thousand five hundred and five, three thousand five hundred and six, and three thousand five hundred and eight of the Code of Virginia, and section three thousand five hundred and fifteen of the Code of Virginia, as amended by an act approved February fourteenth, eighteen hundred and ninety-six, and section three thousand five hundred and nineteen of the Code of Virginia, as amended by an act approved February eighteenth, eighteen hundred and ninety-six, and section three thousand five hundred and twenty-eight, as amended by an act approved March fifth, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 3498. Fees of secretary of Commonwealth and clerk of house of delegates.—The secretary of the Commonwealth shall charge for services rendered in his office the following fees, to be paid by the person for whom the service is rendered at the time it is done:

For a testimonial, one dollar and fifty cents; for a copy of any paper, if on one sheet, one dollar, and for each sheet after the first, seventy-five cents; for issuing a commission to a commissioner in another State, five dollars; for issuing a commission to each notary and inspector appointed by the governor, three dollars; for making a requisition for a fugitive from justice demanded of another State, two dollars; for issuing a warrant for the arrest of a fugitive demanded by the executive authority of another State, two dollars; and for filing in his office any paper required by law to be filed, the same fee as is allowed by law for recording similar papers: provided, that no fee shall be charged for filing a notice of candidacy or other paper required by law of a candidate for any office. All such fees shall be collected by the secretary of the Commonwealth, and shall be paid by him into the treasury of the State.

The clerk of the house of delegates, for a copy of an act of assembly, if on one sheet, one dollar, and for each sheet after first, seventy-five cents.

These fees shall be paid by the person for whom the service is rendered at the time it is done.

Notaries and Justices of the Peace.

§ 3500. Where there is a protest by a notary, for the record thereof, making out instrument of protest under his official seal, and notice of dishonor to one person beside the maker of a note or acceptor of a bill, one dollar; for every additional notice, ten cents; for taking and certifying the acknowledgment of any deed or writing, fifty cents; for administering and certifying an oath, unless it be the affidavit of a witness, or acknowledgment of bail, or issuing process of attachment, twenty-five

cents; for taking and certifying affidavits or depositions of witnesses, where done in an hour, seventy-five cents; if not done in an hour, for any additional time, at the rate per hour of seventy-five cents; for every commission of lunacy upon which a justice may sit, to be paid out of the lunatic's estate, one dollar; for all services which a justice may perform on the trial of warrants in which the Commonwealth is not plaintiff, including the issuing of warrants and subpoenas, swearing witnesses, taxing costs, and issuing executions, to be taxed in the costs and received as other costs are, fifty cents; for other services, the same fees as the clerk of a circuit or city court for like services.

County Clerks and Clerks of Appellate and Other Courts.

§ 3505. Where a writing is admitted to record under chapter one hundred and eleven, for everything relating to it, except the recording in the deed book, to-wit: for receiving proof or acknowledgment, entering orders, writing on it clerk's certificate, statement of deed in list returned to court, recording in minute book and posting same, and embracing it in list for commissioners of the revenue, fifty cents; for every deed, paper, or other writing examined which may have been recorded by any predecessor of his in office, ten cents; for recording a plat of not more than six courses, or for a copy thereof, fifty cents; for every course above six, three cents; for recording in the deed book such writing, and all matter therewith (except plats), or for recording anything not otherwise provided for, for every thirty words, three cents; in lieu of the said allowance of three cents for thirty words, the clerk may, for recording in the deed book, elect to charge the following specific fees, to-wit: Where the writing is a deed of trust or mortgage, or is a conveyance of real and personal estate, or of real estate only, seventy-five cents; and where it is not such, twenty-five cents; for swearing the witnesses and entering in the order or minute book all orders in relation to the proof of a will which is admitted to record without contest, and copying such orders on the will, fifty cents; for recording a will, and the matter recorded therewith in the will book, at the option of the clerk, three cents for every thirty words, or a specific fee of thirty cents; if there be an order committing a decedent's estate to an officer, for entering and copying such order, and the orders of appraisement, fifty cents; if any personal representative qualify, for swearing him and his surety, making out bond, entering, and copying on the will the order granting probate or administration, making one copy of such order for the representative, entering, and copying orders of appraisement, and including case in said list, one dollar; if several personal representatives qualify on the same estate, during the same term, only the same fee shall be charged as if one had qualified, to-wit: one dollar; for entering and copying an order granting a license and administering an oath, where necessary, seventy-five cents; on an application for a marriage license, for administering and writing certificate of oath, issuing and registering license, and recording and giving receipt for certificate of the marriage, one dollar; for a search for anything above a year's standing, except where the clerk, at the request of counsel, searches for papers in a pending case, ten cents; for recording a certificate and posting a copy thereof, under section two thousand and

sixty-three, fifty cents; for making out an injunction bond, administering all necessary oaths, writing proper affidavits, making out release of errors, copying the same, and endorsing on the summons that such bond and release are filed, seventy-five cents; for making out any other bond, administering all necessary oaths, and writing proper affidavits, fifty cents; for issuing a writ in the nature of an ad quod damnum, eighty-five cents; on receiving the copy of a caveat, for entering such copy, twenty-five cents; for issuing a summons to answer a bill, with an endorsement thereon of an injunction, or of an order of attachment, and recording return of same, thirty-five cents; for issuing any other summons, or any writ not particularly provided for, and for recording the return where proper to do so, twenty-five cents; for each copy of any process which goes out of the office (with such process), to be used in serving it, one-half the fee for issuing such process; for noting in the process book any decree, order, or process (except a summons for a witness), and taking a receipt therefor, eighteen cents; for postage paid by the clerk on a decree, order, or process, and putting in or taking out of postoffice same, double the amount of such postage; for entering in any suit, or in a motion for judgment for money, all the attorneys for each party, or the appearance in proper person of a party having no attorney who so appears, ten cents; for endorsing and filing each petition, declaration, bill, answer, or other written pleading, each bill of exceptions, demurrer to evidence, special verdict, or case agreed, each written notice of the defense relied on in ejectment, or of a motion for judgment for money, and each report of a commissioner, and for entering each plea, replication, or other pleading, which is not written, fifteen cents; for endorsing and filing all the depositions and affidavits of witnesses, filed on the same side at any one time, or all the written interrogatories at one time, from one party to another, or all the answers filed at one time to such interrogatories, or the exceptions filed at one time by either party to a commissioner's report, fifteen cents; if papers be filed on the side of the plaintiffs, for which no particular fee is allowed, a fee (not for each, but for the whole) of twenty cents; so also if papers be filed on the side of the defendants, for which no particular fee is allowed, a fee (not for each, but for the whole) of twenty cents; for issuing an attachment, with a copy of the rule or order for the same (if sent out therewith), and recording the return thereof where proper to do so, thirty-five cents; for issuing a scire facias and recording the return thereof, or for issuing a commission to examine witnesses, administering oath when necessary as the foundation thereof, and writing affidavit, fifty cents; for all the rules entered in any case on the same side, at any rules, where anything is done on such side at said rules besides entering or filing a pleading or continuing the case, twenty-five cents; where no proceedings are had in a case during any rules except to continue it, the fees shall be at the rate of twenty-five cents for every quarter of a year the case is so continued, and no more; for docketing any suit, or any motion for a judgment for money (to be charged only once), ten cents, except that where an action or motion is on the court docket at a term designated for the trial of civil cases in which juries are required, if no decision or continuance be entered in it, there shall be a fee for putting it on the docket at the next

like term of eighteen cents; where a jury is impanelled, for swearing the jury and witnesses, seventy-five cents; where no jury is impanelled, if witnesses be examined by the court, for swearing such witnesses for either party, twenty cents; where a witness claims for his attendance, for administering an oath to him, and entering and certifying such attendance, thirty cents; for administering any oath not before provided for, and writing a certificate thereof, where the case requires one, fifteen cents; for all judgments, decrees, orders, and proceedings (except entries of pleadings and matters otherwise provided for), which are entered on the same day, for the same persons, at the election of the clerk, three cents for every thirty words (actually written on the minute or order book, or upon the rule book, when final judgments are entered therein), or a specific fee of thirty-six cents; for docketing under chapter one hundred and seventy-four a judgment, decree, bond, or recognizance, twenty-five cents; for entering satisfaction of same on judgment docket, twenty cents; for taxing costs in any case on one side, twenty cents; and if the case has been pending more than a year, then for every additional year ten cents; when an execution is returned by a constable in a case wherein there is no appeal from the justice's judgment, for filing the papers, ten cents; and if the clerk issue an execution in the case, for such execution and all his other services in the case, until and including the record of the return of said execution (if it be returned before another issues), forty cents; for any other execution, the entry in the execution book and the record of the return, forty cents; for making out a transcript of the record and proceedings in any case, in due form, so that the same may be used in an appellate court, for every thirty words, three cents; and for making out, in any other manner than copying, any paper to go out of the office, which is not otherwise provided for, the same, or in lieu thereof, if the clerk elect, a specific fee of twenty-five cents; for any copy to go out of the office, if it be not otherwise provided for, two cents for every thirty words, or in lieu thereof, if the clerk elect, a specific fee of twenty cents; for annexing the seal of the court to any paper writing, the certificate of the clerk accompanying it, and writing certificate of the judge, if the clerk be requested so to do, thirty-seven cents; for making statement, calculating interest, receiving payment of taxes on any tract of land returned delinquent, fifty cents; for each tract of land entered in the delinquent land book, to be paid out of the treasury, ten cents; for any other writ not hereinbefore provided for, fifty cents; for making out the bond upon issuing any such writ, administering necessary oaths, and writing proper affidavits, fifty cents; upon any such writ, for endorsing and filing the petition therefor or when the writ is returned, for filing it, with the return thereon, fifteen cents; for filing the record upon an appeal or on such writ, fifteen cents; when the clerk of the court of appeals issues process on an appeal, writ of error, or supersedeas, for making out the bond, administering necessary oaths, writing proper affidavits, and endorsing on the process a certificate of the execution of the bond, and of the names of the sureties therein, seventy-five cents; for docketing any case, a fee of eighteen cents, or if the clerk elect, in lieu thereof, three cents for every thirty words entered on the rule book when it is first docketed, this fee for docketing to be charged but once, except that when

any case, either at law or in equity, is on the court docket, if at any term it be left undecided, without an order of continuance, there shall be a fee for putting it on the docket at the next term of twenty-five cents; after a decision by the circuit, corporation, or hustings court or court of appeals, as an appellate court, for issuing an execution, making entry thereof in the execution book, and recording the return, seventy-five cents; unless the decision be by the court of appeals in a case wherein the first judgment or decree was in a circuit or city court, in which case the fee shall be one dollar; for taxing the damages to which a party may be entitled by reason of an injunction, appeal, writ of error, or supersedeas, forty cents.

In Chancery Cases.

§ 3506. For issuing an attachment or a summons, with an endorsement of an order of attachment or injunction, fifty cents; for process for which no higher fee is allowed, twenty-five cents; if when a bill or answer is filed there be filed at the same time any exhibit, on which the clerk endorses the name of the case and the day it is filed, for every such exhibit, five cents; when more than three exhibits are returned with a commissioner's report (but not annexed thereto), for endorsing and filing such exhibits a fee, not for each, but for all filed with the same report, of twenty-five cents; if papers be filed on the side of the plaintiff, for which no fee is before provided, a fee, not for each, but for the whole of such papers, of twenty-five cents; and if papers be filed on the side of defendants, for which no fee is before provided, a fee, not for each, but for the whole of such papers, of twenty-five cents; for entering in the rule book the return of all process returnable to the same rule day, a fee, not for each defendant named therein, nor for every such process, but for the whole of the defendants named in all such process, of thirty-five cents; for all the rules entered in any case on the same side at the rules for one month, when anything is done on such side at said rules besides entering or filing a pleading or continuing the case, fifty cents; for any execution, the entry of the case in the execution book and the record of the return, unless a higher fee be allowed therefor, fifty cents.

§ 3507. Of clerks of court of appeals; to whom cost of printing record is charged; when case dismissed if cost of printing not paid; amount taxed for printing to be paid into treasury.—The same fees as a clerk of the circuit court for similar services. In every case wherein printing is done under section thirty-four hundred and seventy-six, the clerk of the court of appeals shall charge in such case, to the appellants or plaintiffs in error, the cost of printing the record, which shall be paid, or secured to be paid, to the clerk before the printing is done: provided, that as soon as the case is docketed after the appeal, writ of error, or supersedeas is allowed, the clerk of the said court shall notify the appellant or his counsel of record of the amount of such costs, and if the same are not paid within ninety days from the date of such notice the case shall be dismissed, which costs so paid, or secured to be paid, shall be recovered and paid by the parties, respectively, as the court shall direct. The clerk shall account for and pay into the treasury of the State the amount taxed for printing the record, and he shall charge for his services in superintend-

ing and examining the printing, indexing, distributing, and filing the records, conducting the correspondence, et cetera, as follows: To the appellant or plaintiffs in error for one copy of the record, at the rate of one and a half cents for every ten words actually printed, which shall be paid in every case before the hearing.

Of Sheriffs, Sergeants, Criers, Coroners, and Constables.

§ 3508. For serving on any person a declaration in ejectment or an order, notice, summons, or other process when the body is not taken and making return thereof, fifty cents, except that the fee for summoning a witness shall only be twenty cents; for serving on any person an attachment or other process under which the body is taken and making return thereof, one dollar; for receiving a person in jail, twenty-five cents; for discharging a person from jail, twenty-five cents; for carrying a prisoner, other than a prisoner arrested for felony or misdemeanor, to or from jail, each mile of necessary travel either in going or returning, five cents; for taking any bond, sixty cents; when a petit jury is sworn in court, for impanelling and summoning such jury, one dollar; for serving any order of court not otherwise provided for, fifty cents; when a jury is summoned upon a writ of ad quod damnum, or any inquest in vacation, for summoning them, one dollar; and for attending at the place of their meeting, one dollar; and if the jury attend there, and a verdict or inquisition be found and returned, two dollars: provided, however, that where more than one writ of ad quod damnum is executed by the same jury in the same case upon the same summons, the sheriff shall have but one fee for summoning the jury and attend at their place of meeting, and shall be allowed but one dollar additional for each additional inquisition found and returned. For serving a writ of possession, one dollar and fifty cents; for serving a writ of distringas on a judgment or decree for personal property, if the specific thing be taken, one dollar and fifty cents; for keeping and supporting any person confined in jail, for each day, forty cents; for search and return of writ of distringas, where the property is not found, fifty cents; for keeping and supporting any horse or mule distrained or levied on, for each day when stall-fed, twenty-five cents, and for each day when pastured, ten cents; for each hog or head of horned cattle, per day, five cents; for each sheep or goat, per day, three cents. The circuit court of any county or the corporation or hustings court of a corporation may, at any time, fix or alter the rates to be thenceforth paid in such county or corporation for keeping and supporting any person in jail, or any horse or live stock, but the rates so fixed or altered shall never exceed those hereinbefore mentioned. The officer shall be repaid any necessary expense incurred by him in keeping property not before mentioned or in removing any property; and when, after distraining or levying, he neither sells nor receives payment, and either takes no forthcoming bond, or takes one which is not forfeited, he shall, if in no default, have (in addition to the sixty cents for a bond, if one was taken) a fee of three dollars, unless this be more than one-half of what his commission would have amounted to if he had received payment, in which case he shall (whether a bond was taken or not) have a fee of at least one dollar, and so much more as is necessary to make the said half.

The commission to be included in a forthcoming bond, when one is taken, shall be five per centum on the first three hundred dollars of the money for which the distress or levy is, and two per centum on the residue of said money; but such commission shall not be received unless the bond be forfeited or paid (including the commission) to the plaintiffs, and of whatever interest may accrue on such bond, or the execution or judgment thereon, the officer shall be entitled to his proportionable share thereof, on account of his fees included in said bond. An officer receiving payment in money or selling goods shall receive the like commission of five per centum on the first three hundred dollars of the money paid or proceeding from the sale, and two per centum on the residue, except that when such payment or sale is on an execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

§ 3515. How and when fee bills made out; to be produced before payment is compelled; what to show when paid in advance; constructive fees defined; penalties for illegal demands; how fee bill quashed.—No person shall be compelled to pay any fees before mentioned for services already performed until there be produced to him a fee bill signed by the officer to whom the fees are due, expressing the particulars for which such fees are charged, nor shall such officer be compelled to perform any service unless his fees, if demanded, be paid or tendered or otherwise satisfactorily secured him except in criminal cases and in the case of persons suing as provided by section thirty-five hundred and thirty-eight. And where bills are made out for services to be performed there shall be mentioned the nature of the service and the fact that it is to be performed. No officer shall for any service make out a fee bill for more than is allowed therefor or charge full fees to more than one party for the same service, but in such case the payment of the fees by any party shall be a satisfaction for such service; nor shall any officer charge a constructive fee, nor shall he for the same service attempt to obtain payment a second time or make out a fee bill a second time unless he endorse the fact and swear that the former bill remains unpaid.

“Constructive fees” shall be construed to include fees for services not actually rendered or for copies not actually furnished the party at his request, or for services which inure to the benefit of more than one person and have already been charged to or paid by another.

If any officer violate any of the provisions of this section he shall forfeit five dollars to any person prosecuting therefor. The circuit court of a county or the circuit or city court of a corporation in which an officer resides may, on motion after reasonable notice to him, quash any fee bill made out by him contrary to law.

§ 3519. When and how officer to account for fee bills collected and return those uncollected; his commission; remedy for what he is chargeable with.—Every sheriff, constable, or high constable to whom such fee bills are so delivered shall, within twelve months after such delivery, account therefor with the officer or personal representative entitled thereto by returning such as he may not have collected, with an endorsement thereon that the person charged with the fees has no estate in his county, corporation, or district out of which the same could be made, and by pay-

ing to such officer or personal representative the amount of all not so returned, deducting a commission for himself of ten per centum on such amount. If he fails so to do, judgment may be obtained on motion against him and his sureties or his and their personal representatives, or if he be a sheriff, against any deputy who may have signed the receipt for the fee bills and his sureties or his and their personal representatives for the amount with which such sheriff, constable, or high constable is chargeable and damages thereon not exceeding fifteen per centum per annum from the expiration of the said twelve months. Such judgment may be, on motion, after notice, in the circuit court of the county or the circuit or city court of the corporation wherein said sheriff, constable, or high constable resides. On such motion the signature to any receipt for fee bills mentioned in the notice as signed by any person shall be deemed to be his genuine signature unless an affidavit be made denying it.

To Attorneys for the Commonwealth.

§ 3528. For every case of felony tried in any circuit or corporation court, to be charged only once in each case, the sum of ten dollars; for every case of misdemeanor prosecuted in any such court to judgment for the Commonwealth, except prosecutions for violation of the revenue laws, and for offenses under section thirty-eight hundred and fifteen, and the sections following to thirty-eight hundred and thirty-three, inclusive, the sum of five dollars: provided, that in no case shall the attorney for the Commonwealth in any county or city receive from the State treasury more in any one year than the amounts hereinafter stated, as follows:

The attorney for the Commonwealth of the county of Accomac, three hundred and twenty dollars; of Albemarle, three hundred and seventy dollars; of Alexandria, two hundred and fifty dollars; of Alleghany, two hundred dollars; of Amelia, two hundred and twenty dollars; of Amherst, two hundred and fifty dollars; of Appomattox, three hundred dollars; of Augusta, four hundred and twenty dollars; of Bath, seventy-five dollars; of Bedford, three hundred and sixty dollars; of Bland, one hundred and twenty dollars; of Botetourt, two hundred dollars; of Brunswick, two hundred and twenty dollars; of Buckingham, three hundred dollars; of Buchanan, two hundred dollars; of Campbell, three hundred and sixty dollars; of Caroline, two hundred dollars; of Carroll, two hundred dollars; of Charles City, one hundred dollars; of Charlotte, one hundred and fifty dollars; of Chesterfield, two hundred and twenty dollars; of Clarke, two hundred dollars; of Craig, seventy-five dollars; of Culpeper, two hundred dollars; of Cumberland, two hundred dollars; of Dickenson, two hundred dollars; of Dinwiddie, two hundred dollars; of Elizabeth City, four hundred dollars; of Essex, two hundred dollars; of Fairfax, two hundred and twenty dollars; of Fauquier, two hundred and eighty dollars; of Floyd, three hundred dollars; of Fluvanna, two hundred dollars; of Franklin, three hundred dollars; of Frederick, two hundred and twenty dollars; of Giles, two hundred dollars; of Gloucester, two hundred dollars; of Goochland, one hundred and seventy-five dollars; of Grayson, two hundred dollars; of Greene, one hundred and twenty dollars; of Greenville, two hundred dollars; of Halifax, four

hundred dollars; of Hanover, two hundred and twenty dollars; of Henrico, six hundred dollars; of Henry, three hundred dollars; of Highland, one hundred dollars; of Isle of Wight, two hundred dollars; of James City, one hundred dollars; of King and Queen, two hundred dollars; of King George, one hundred dollars; of King William, two hundred dollars; of Lancaster, one hundred and fifty dollars; of Lee, three hundred dollars; of Loudoun, two hundred and fifty dollars; of Louisa, two hundred dollars; of Lunenburg, two hundred and fifty dollars; of Madison, one hundred and fifty dollars; of Mathews, one hundred dollars; of Mecklenburg, three hundred dollars; of Middlesex, one hundred and twenty dollars; of Montgomery, three hundred dollars; of Nansemond, two hundred and forty dollars; of Nelson, two hundred dollars; of New Kent, one hundred and twenty dollars; of Norfolk, seven hundred dollars; of Northampton, one hundred and fifty dollars; of Northumberland, one hundred dollars; of Nottoway, two hundred and fifty dollars; of Orange, one hundred and fifty dollars; of Page, two hundred and twenty-five dollars; of Patrick, two hundred dollars; of Pittsylvania, six hundred dollars; of Powhatan, one hundred dollars; of Prince Edward, three hundred dollars; of Prince George, one hundred dollars; of Princess Anne, one hundred dollars; of Prince William, two hundred dollars; of Pulaski, three hundred dollars; of Rappahannock, one hundred and fifty dollars; of Richmond, one hundred dollars; of Roanoke, two hundred dollars; of Rockbridge, two hundred dollars; of Rockingham, three hundred and sixty dollars; of Russell, two hundred and ten dollars; of Scott, two hundred and sixty dollars; of Shenandoah, two hundred dollars; of Smyth, three hundred dollars; of Southampton, two hundred dollars; of Spotsylvania, one hundred and fifty dollars; of Stafford, one hundred dollars; of Surry, one hundred and fifty dollars; of Sussex, one hundred and fifty dollars; of Tazewell, five hundred dollars; of Warren, one hundred and fifty dollars; of Warwick, one hundred and fifty dollars; of Washington, three hundred and forty dollars; of Westmoreland, one hundred and twenty-five dollars; of Wise, four hundred dollars; of Wythe, two hundred and thirty dollars; of York, one hundred dollars.

The attorney for the Commonwealth of the city of Richmond, two thousand dollars; of the city of Norfolk, fifteen hundred dollars; of the city of Petersburg, four hundred dollars; of the city of Lynchburg, four hundred dollars; of the city of Roanoke, five hundred dollars; of the city of Alexandria, three hundred dollars; of the city of Portsmouth, three hundred dollars; of the city of Danville, three hundred and fifty dollars; of the city of Manchester, two hundred and fifty dollars; of the city of Staunton, two hundred and twenty-five dollars; of the city of Charlottesville, two hundred dollars; of the city of Winchester, two hundred dollars; of the city of Fredericksburg, one hundred and seventy-five dollars; of the city of Bristol, one hundred and fifty dollars; of the city of Radford, one hundred and fifty dollars; of the city of Buena Vista, seventy-five dollars; of the city of Newport News, four hundred dollars.

2. Be it further enacted, That section three thousand five hundred and twenty-four of the Code of Virginia, as amended by an act approved February twentieth, nineteen hundred, and section three thousand five

undred and twenty-five of the Code of Virginia, be, and the same are hereby, repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 504.—An ACT to repeal section 10 of an act entitled “an act to authorize and empower the town council of the town of Shenandoah, Virginia, to borrow money by the issue of bonds for the construction and establishment of a system of water works in and for the use of said town; to construct and establish such works, and a sewerage system if needed,” approved July 28, 1902.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled “an act to authorize and empower the town council of the town of Shenandoah, Virginia, to borrow money by the issue of bonds for the construction and establishment of a system of water works in and for the use of said town; to construct and establish such works, and a sewerage system, if needed,” approved July twenty-eighth, nineteen hundred and two, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 505.—An ACT to amend and re-enact 1015b of an act entitled an act to amend and re-enact chapter 44 of the Code of Virginia (1887), in relation to cities and towns, and to repeal sections 1039 and 1040 of the Code of Virginia and section 1043 of the Code of Virginia, as amended and re-enacted by an act approved March 4, 1896, and as attempted to be repealed by an act approved March 7, 1900, and to repeal an act approved March 7, 1900, entitled “an act to provide for local assessments in cities and towns,” approved May 20, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That ten hundred and fifteen b of an act entitled an act to amend and re-enact chapter forty-four of the Code of Virginia, eighteen hundred and eighty-seven, in relation to cities and towns, and to repeal sections ten hundred and thirty-nine and ten hundred and forty of the Code of Virginia and section ten hundred and forty-three of the Code of Virginia, as amended and re-enacted by an act approved March fourth, eighteen hundred and ninety-six, and as attempted to be repealed by an act approved March seventh, nineteen hundred, and to repeal an act approved March seventh, nineteen hundred, entitled “an act to provide for local assessments in cities and towns,” approved May twentieth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

1015b. Council to reapportion representation among wards, when obligatory upon council to change boundaries of wards.—The council in every city in the year nineteen hundred and three, and every tenth year thereafter, and also whenever the boundaries of such wards are changed, shall by ordinance prescribe the number of members of each branch and re-

apportion the representation of the council among the wards, but so as to give, as far as practicable, to each ward of such city equal representation in the council thereof, and in each branch of said council in proportion to the population of each ward. In determining such population, the council shall be governed by the last United States census, or such other enumeration as may be authorized by the general assembly: provided, however, that whenever by the last United States census, or other enumeration made by authority of the general assembly, it shall appear that the population in any ward exceeds that of any other ward by as much as three thousand inhabitants, or whenever the corporate limits of the city shall be extended or contracted, or whenever, in the opinion of the council, it is necessary, it shall be the duty of the city council to redistrict the city into wards, or so change the boundaries of existing wards, or so increase or diminish the number of wards as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. In case of such other enumeration as may be authorized by the general assembly, unless otherwise authorized by law, the enumerators shall be named by the judge of the corporation court of such city, if there be such court; and if not, by the judge of the circuit court thereof, or, in case of a town, by the judge of the circuit court of the county in which such town is located: provided, however, that in any redistricting or changing of the boundaries of the wards of the city of Norfolk, the councils of the said city shall provide that prior to the twenty-second day of February, nineteen hundred and five, the boundaries of the sixth, or Atlantic City ward, and prior to the fourteenth day of March, nineteen hundred and seventeen, the boundaries of the seventh, or Park Place ward, of the said city, shall remain as they now are, irrespective of the comparative population of the said wards.

2. All acts or parts of acts in conflict herewith are hereby repealed.
3. This act shall be in force from its passage.

CHAP. 506.—An ACT to provide for the additional wards to the University of Virginia Hospital.

Approved December 31, 1903.

Whereas, in the original design for the building which forms the nucleus of the University of Virginia hospital it was deemed essential that there should be offices and accommodations for internes, nurses, kitchen, laundry, operating room with ample amphitheatre; and,

Whereas, the present demands upon said hospital require the use of said apartments for the patients treated therein, to the great inconvenience and detriment of said hospital; and,

Whereas, in the original design it was contemplated that there should be erected six wards, none of which have been built because of lack of funds; and,

Whereas, it is imperative that there should be provided at once two wards for said hospital, connecting with the main building by an arcade

or corridor, each ward to be of sufficient size to accommodate at least twenty patients; and,

Whereas, the estimated cost of constructing said addition and wards is thirty-one thousand dollars; therefore,

1. Be it enacted by the general assembly of Virginia, That there be appropriated out of any funds in the State treasury not otherwise appropriated the sum of thirty-one thousand dollars, to be expended in the erection of additional buildings and wards as aforesaid for said hospital; and the auditor of public accounts is hereby authorized and directed to draw his warrant upon the treasurer of the State for said sum upon the requisition of the rector and board of visitors of the University of Virginia.

2. This act shall be in force from its passage.

CHAP. 507.—An ACT to amend and re-enact an act entitled “an act providing for an additional appropriation for the erection of a fence around the Lee monument in Richmond, Virginia.”

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act providing for the erection of a fence around Lee monument at Richmond,” approved January the twenty-sixth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the register of the land office be, and he is hereby, directed to erect an iron or steel fence around the circle surrounding Lee monument at Richmond, and for this purpose the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

2. This act shall be in force from its passage.

CHAP. 508.—An ACT to provide for rerating pensioners classed on the pension rolls of the State as partially disabled.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That any person now on the pension rolls of Virginia, or who shall hereafter be placed thereon, and classed as partially disabled, may, if such pensioner shall thereafter become totally disabled by disease or the infirmities of age, make application to be rerated and placed on said pension roll under the class of totally disabled pensioners. If said application be approved by the pension board and the court or judge which originally granted a pension to such person as for partial disability, the applicant shall be placed on the pension rolls under the class of totally disabled pensioners, and receive the sum now or hereafter provided by law to be paid to totally disabled pensioners. In ascertaining whether or not such applicant has

become totally disabled, the same proof and certificates concerning such disability shall be required as is required for an original application for a pension. The auditor of public accounts shall prepare proper forms for carrying out the purposes of this act.

2. This act shall be in force from its passage.

CHAP. 509.—An ACT to amend and re-enact chapter 66 of the Code of Virginia, relating to public free schools for counties and to the literary fund.

Approved December 28, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter sixty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

CHAPTER LXVI.

Of Public Free Schools for Counties and of the Literary Fund.

§ 1427. Efficient system of public free schools.—Be it enacted by the general assembly of Virginia, That an efficient system of public free schools shall be established and maintained in all the counties and towns of the State.

§ 1428. Authorities for administering system.—The public free school system shall be administered by the following authorities, to-wit: A State board of education, a superintendent of public instruction, division superintendents of schools, and district and county school boards.

§ 1429. State board of education.—The State board of education shall be a corporation by that name, and shall consist of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators, to be elected quadrennially by the senate from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and the Blind, and also of the College of William and Mary (so long as the State shall continue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators elected by the senate as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official.

Terms of the members.—The term of the three members first elected by the senate shall be four years from the first day of March, nineteen hundred and three: provided, they continue so long on the list of eligibles, and, within thirty days before the expiration of their term every four years thereafter, the senate shall elect their successors, whose term shall be four years from the first day of March following their election.

The term of the two division superintendents first selected shall be two years from the first day of March, nineteen hundred and three: provided, they hold the office of division superintendent so long, and, within thirty days before the expiration of their term every two years thereafter, the appointing board herein provided shall select their successors, whose term shall be two years from the first day of March following their appointment.

Qualification.—Before entering upon their duties all the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, shall take and subscribe the oaths prescribed by the Constitution before any officer authorized to administer oaths, and said officer shall certify the same; a minute of their qualification shall be entered in the proceedings of the board, and the oaths shall be returned as required by law as to the oaths of other State officers.

Vacancies in the board.—Any vacancy occurring during the term of any member of the board, except that of the governor and the attorney-general, shall be filled for the unexpired term by the board.

President of the board.—The superintendent of public instruction shall be ex-officio president of the board, and in his absence the members present shall elect a president pro tempore.

Quorum.—A majority of the members shall constitute a quorum for the transaction of business.

§ 1430. **Meetings.**—Meetings of the board shall be held upon the call of the president, or upon request of a majority of its members: provided, that the president shall give due notice to all the members of the time of holding the meetings. The place of meeting shall ordinarily be the office of the superintendent of public instruction.

§ 1431. **Record.**—A faithful record shall be kept of the proceedings of the board, which shall be signed by the president, or, in his absence, by the president pro tempore, and shall at all times be open to inspection.

§ 1432. **Recovery of money due literary fund.**—Any money which ought to be paid into the public treasury to the credit of the literary fund shall (unless other provision be made therefor) be recoverable, with interest, by the board of education, by motion after fifteen days' notice, or by action in the circuit court of the city of Richmond. The second auditor shall institute and prosecute the proceedings, after an order for such motion or action shall have been made by the board.

The said board may appoint agents for the collection of its debts or claims, and authorize them to secure payment thereof on such terms as it may approve.

When estate of any person taken under execution, or for sale under any decree or deed of trust, for any such debt or claim, will not sell for the amount thereof, such agent may (under the direction of the board as to the price) purchase such estate for the board. He shall immediately report to it every such purchase, and the terms thereof.

The board may sell, or appoint an agent to sell, any estate so purchased, who shall sell at such time and on such terms as the board may authorize. It shall take bond from such agent if any money is to come into his hands. Any agent selling land under this section shall, when directed so to do by the board, execute a deed (with the resolution giving

such direction thereto annexed), conveying to the purchaser all the interest which the board may have in such land.

For the service of any agent under this section, the board may allow compensation, not exceeding in any case five per centum on the money actually paid into the treasury.

§ 1433. Duties of State board of education.—The powers and duties of the board shall be as follows:

First. To divide the State into appropriate school divisions, in the discretion of said board, comprising not less than one county or city each; but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the senate, appoint for each of such divisions one superintendent of schools, who shall hold office for four years. The board shall also prescribe the duties of such division superintendent, and may remove him for cause and upon notice. When a vacancy occurs during the recess of the general assembly, it shall be filled by appointment of the board for the unexpired term, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the general assembly; but it shall not be lawful when the general assembly is not in session for the said board to appoint as division superintendent any person whose nomination has been previously rejected by the senate.

Second. To prescribe the duties of the superintendent of public instruction.

Third. To approve the appointment of a first and a second clerk, and such other employees as may be necessary for the office of the superintendent of public instruction, upon the nomination of that officer, and to fix their salaries. The first clerk, who is hereby required to serve also as secretary of the board of education, may be allowed for these extra services such reasonable compensation as the board may deem just and proper.

Fourth. To adopt by-laws for its own government, and to make all needful rules and regulations for the management and conduct of the schools. Such rules and regulations, when published and distributed, shall have the force and effect of law until revised, amended, or repealed by the general assembly.

Fifth. To provide for examining teachers for the public schools of the State by the appointment of a State board of examiners, or by the adoption of such other plans as the board of education may, in its discretion, deem wise and expedient.

The compensation and expenses of said board of examiners shall be fixed by the board of education and paid as other expenses of the said board are paid.

Sixth. To select text-books and educational appliances for use in the public schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

Seventh. To guard by regulation against so great a multiplication of schools in proportion to the funds provided as will tend to cause a low grade of instruction in the schools, or in any other way impair their efficiency.

Eighth. To approve or amend the plans of the superintendent of public instruction for the organization and conduct of the summer normal schools, to audit the accounts for the expenses of such schools, and issue warrants for the payment thereof as other warrants are issued by the said board.

Ninth. To decide appeals from decisions of the superintendent of public instruction: provided, that all the facts and arguments in each case shall be presented in writing and in such form as the board may prescribe.

Tenth. To order the sense of voters to be taken in counties or districts on all matters which may be properly so referred under the provisions of the school law whenever deemed proper by the board.

Eleventh. To invest the capital and unappropriated income of the literary fund in bonds of this State, or of the United States, or in bonds of railroad companies secured by first mortgage whose market value for six months preceding the investment has not been less than ninety cents on the dollar. The said board may call in any such investment, or any heretofore made, and reinvest the same as aforesaid whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in bonds of this State, no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the second auditor for safe-keeping, who shall return with his annual report a list thereof, with a statement of their value.

Twelfth. To audit all claims which are to be paid out of the literary fund, and to allow so much thereof as shall appear to be due: provided, that not more than ten years shall have elapsed when by law such claim might have been presented for payment. For any claims so allowed, certified by the secretary and the presiding officer of the board, the second auditor shall issue his warrant on the treasurer, signed by the second auditor and attested by one of his clerks. All money belonging to the literary fund shall also be received into the treasury on the warrant of the second auditor, who shall also be the accountant of the said fund.

Thirteenth. To approve or amend the schemes prepared by the superintendent of public instruction for apportioning the money appropriated by the State for public free school purposes among the several counties and cities of the State.

Fourteenth. To determine the necessary contingent expenses of the office of the superintendent of public instruction, including stationery, postage, printing, furniture, and other charges; to examine the accounts thereof; and, when approved, to issue warrants on the second auditor for the payment of the same, said warrants to be signed by the secretary and the presiding officer of the board.

Fifteenth. To punish division superintendents of schools for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay; by suspension from office and pay for a limited period, or by removal from office.

Sixteenth. To appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the

State library (except the law library), and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the general assembly shall prescribe.

Seventeenth. To observe the operations of the public free school system, to regulate such matters as may arise in the practical administration thereof not otherwise provided for, and to suggest to the general assembly any improvements deemed advisable therein and for which the said board has no power to provide.

Eighteenth. To make a report to the general assembly at each regular session, covering the annual report of the superintendent of public instruction, giving an account of the operations of the board for the two school years immediately preceding the session of the general assembly.

Nineteenth. To perform such other duties as may be prescribed by law.

Twentieth. Such reasonable expenses as the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, may incur in attending the meetings of the board, or any committee thereof, shall be paid from the funds at the command of the board by warrant on the second auditor as other expenses of the board are paid.

Superintendent of Public Instruction.

§ 1434. His election and term; his salary and traveling expenses; vacancy in office; qualification.—There shall be elected by the qualified voters of the State on the Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, a superintendent of public instruction, who shall be an experienced educator, and whose term of office shall commence on the first of February following his election: provided, that the present incumbent of the office, or his successor, shall continue in office until February first, nineteen hundred and six.

His salary shall be fixed by the general assembly, and he shall be allowed his necessary traveling expenses while engaged in the duties of his office, to be approved by the State board of education, not to exceed in the aggregate five hundred dollars in any school year.

Any vacancy occurring in the office within a regular term shall be filled for the unexpired term by the State board of education.

Before entering upon the discharge of the duties of the office he shall take and subscribe the oath prescribed for all officers of the State.

§ 1436. Duties of superintendent of public instruction.—He shall be ex-officio president of the State board of education, by which his duties shall be prescribed.

Division Superintendent of Schools.

§ 1437. Division superintendent; appointment; term of office; vacancies; his qualification.—Within sixty days before July first, nineteen hundred and five, and every four years thereafter, the State board of education shall, subject to the confirmation of the senate, appoint one division superintendent of schools for each school division that the said board may, in its discretion, establish according to law.

The term of office of the said division superintendent shall be four years from the first day of July following his appointment: provided, that the superintendents for counties and cities now in office, or their successors, shall continue in office until July first, nineteen hundred and five.

The office of any division superintendent shall be deemed vacant upon the refusal of the senate to confirm his nomination, his removal from the division for which he was appointed, his resignation, or his removal from office by the State board of education. Every division superintendent, before entering upon the discharge of the duties of his office, shall take and subscribe the oath prescribed for all officers of the State, which oath shall be made and subscribed before the circuit court of his division, or before the judge or clerk thereof in vacation. As soon as the oaths shall have been taken, subscribed, and certified, a minute of the fact shall be entered in the records of the said court, and a certificate of the clerk, setting forth the qualification and its record, shall be furnished the superintendent of public instruction for record in his office.

§ 1438. His salary.—The said superintendent shall receive, to be paid in quarterly instalments out of the State school fund, on the warrant of the board of education drawn upon the second auditor, thirty dollars for every thousand of population under his jurisdiction for the first ten thousand; twenty dollars for every thousand in excess of ten up to and including thirty thousand; and ten dollars for every thousand in excess of thirty thousand; rejecting in each case fractions less than five hundred: provided, that the pay of a superintendent shall not, in any case, be less than two hundred dollars a year.

§ 1439. Powers and duties.—The powers and duties of the division superintendent shall be fixed by the State board of education.

County School Boards.

§ 1441. County school board, how constituted; to be a corporation.—The division superintendent of schools, together with the district school trustees in each county, including those in towns constituting separate school districts, for certain purposes hereinafter specified, shall constitute a body corporate, under the style of "the county school board of _____ county," and may, in its corporate capacity, sue and be sued, contract and be contracted with, and purchase, lease, take, hold, and convey property. This board shall be subject to the higher authorities in like manner as the district boards.

§ 1442. Officers of board.—The division superintendent of schools shall be ex-officio president of the county school board, and it shall be the duty of the said board, at its first meeting, and on the occurrence of a vacancy afterwards, to elect one of its members vice-president.

§ 1443. Meetings of board.—It shall be the duty of the president to call meetings of the board whenever, in his judgment, such meetings are needed, and also when requested to do so by two chairmen of the district boards of the county.

§ 1444. By-laws, records, and clerk.—The county school board shall make and record, in a bound volume, by-laws and regulations for its own

government and for carrying out all duties imposed upon it by law; and shall keep, in said volume, a record of the proceedings of each meeting. It may appoint a clerk, at discretion, who shall receive as compensation three dollars per day for each day the board is in session, not exceeding ten dollars per annum, which compensation, together with necessary expenses and contingent expenses attending the transaction of business by the board, may be paid out of any funds under the control of the board.

§ 1445. Annual meetings.—The board shall hold a regular annual meeting between the fifteenth day of July and the first day of August, the exact date to be fixed by the board itself, or, in default thereof, by the president.

§ 1446. Annual report.—The board shall make an annual report to the superintendent of public instruction, through the division superintendent of schools, on or before the tenth day of September of each year, which shall give in detail its official acts for the year closing the thirty-first day of July preceding.

§ 1447. Powers and duties of board.—First. Expenses of trustees.—The county school board may order any district school board of the county to pay to each school trustee, except the clerk of the board, a sum not to exceed five dollars in any one year to cover the expenses of said trustee for attendance upon the meetings of the county and the district school boards.

Second. Estimate of expenses.—It shall be the duty of the county school board of each county, on or before the first day of July each year, to prepare and file with the division superintendent of schools an estimate of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county, and at the same time, after carefully revising the estimates of the district boards of trustees submitted to the county board in accordance with the provisions of section fourteen hundred and sixty-six of this chapter, to prepare and file with said superintendent separate estimates of the necessary expenses of the public free schools in each school district of the county for the next scholastic year, which estimates shall be submitted by him to the board of supervisors at a regular meeting.

Third. Apportionment of county fund.—The county school fund shall be apportioned by the county school board among the several districts of the county according to its judgment, having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts: provided, that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade.

Fourth. Property vested in and managed by county board; counsel.—All money, bonds, stocks, debts, funds, effects, and other property, real or personal, held by individuals by virtue of their office of school commissioner or overseers of the poor of any of the counties of this Commonwealth, except the county of Loudoun, under any act heretofore passed by the general assembly of Virginia, acquired by or derived from the sale of glebe lands, or from any other source, formerly belonging to any of the said counties, and applicable to school purposes; also such real or personal

estate in any of the said counties as belonged to the former board of the literary fund, together with any other funds or property which was in any manner set apart for school purposes, but which has been practically abandoned or is without trustees; and any funds or property that may be hereafter set apart solely for county school purposes, and all donations by will, deed, or other conveyance, heretofore or hereafter made for county school purposes, shall be vested in the said county school board of the said counties, respectively, unless inconsistent with the grant or devise, upon such terms and conditions for the security of the same as the circuit court of said county shall prescribe. The said board shall, when not inconsistent with the terms of the grant or devise, invest and manage the same, and apply the profits thereof for the purposes of education in the same manner and under the same restrictions as the general school fund of the State is applied under the general school law of the State, except that the said boards are authorized to apply such portions of the profits of the funds as in their judgment may be necessary to the erection of school-houses in their said counties, respectively, or to the purchase of school apparatus for the use of schools: provided, that such disposition is not in conflict with the will of the grantor or testator. In cases where funds or other property are held by trustees for purposes of common school education, the county school board shall have power, and it shall be its duty, to examine into the manner in which such trusts are administered; and all such trustees are hereby required to render reports to the county board whenever called on, and to afford every facility wanted by said board in order to obtain a full understanding of all the points connected with such administration; and should such examination reveal any defect or irregularity in the administration of such trust funds or other property, it shall be the duty of the county school board to institute prompt proceedings for carrying the matter before the civil courts. In cases where donations or other funds have been set apart for the education of the poor, the county school board is authorized to receive and apply the same in connection with the public free schools, in obedience to the will of the donor. The county school board of any county may employ counsel and provide for and direct the payment of reasonable attorney's fees whenever such action may be necessary for effectuating the purposes and objects of this section, or for the protection of the public schools of the county, or of any school district thereof, from loss or detriment from any cause: provided, that no such fee shall be paid or allowed by such board unless and until the same shall have been approved by the court in which such litigation was had: provided further, that nothing in this law contained shall be construed to apply to the twenty-fifth clause of the will of Samuel Miller, deceased, or in any wise to affect or impair any rights or interests whatsoever, either public or private, arising under said clause, or to any fund now held by the Charlottesville district school board of Albemarle county, known as district number five.

§ 1449. Duties of county treasurer as to school funds; his pay.—The county treasurer shall, in all cases, collect and disburse or invest the funds, placed under the control of the county school board by the provisions of this chapter, in accordance with the direction of said board, and shall receive such compensation as the board may determine: pro-

vided, that the same shall not be less than one nor more than two per centum upon the amount received. For the proper application of all such funds he and his sureties upon his official bond shall be liable.

School Trustee Electoral Board.

§ 1450. School trustee electoral board; composition; duties.—In each county there shall be a board, to be known as the school trustee electoral board, which shall, until February first, nineteen hundred and four, be composed of the county judge, the attorney for the Commonwealth, and the division superintendent of schools; but after the first day of February, nineteen hundred and four, the said board shall be composed of the attorney for the Commonwealth, the division superintendent of schools, and a resident qualified voter, who is not a county or State officer, to be appointed by the judge of the circuit court on or within thirty days after the first day of February, nineteen hundred and four, and every four years thereafter. The said appointees shall qualify before the clerk of the said circuit court, and shall serve for a term of four years from the first day of March, nineteen hundred and four. Any vacancy occurring within the term of the said appointee shall be filled by the said circuit judge within thirty days thereafter.

§ 1451. Chairman and clerk.—The division superintendent shall be chairman and the board shall elect one of its members clerk.

§ 1453. School trustees; their number and term.—There shall be three school trustees for each school district, whose term of office shall be three years, respectively.

§ 1454. Terms of office; mode of filling vacancies, et cetera; qualifications of trustees.—The school trustee electoral boards shall appoint school trustees for the several school districts in their respective counties not more than thirty days before August the first, nineteen hundred and four. The terms of office of school trustees in office on the tenth day of July, nineteen hundred and two, and of their successors now in office, shall end on the first day of August, nineteen hundred and four, upon which day the regular terms of the trustees chosen in July, nineteen hundred and four, shall begin. The regular terms of such trustees shall thereafter be three years; and their successors shall be chosen by the several school trustee electoral boards not more than thirty days nor less than ten days before the expiration of their regular terms: provided, that the first appointments made under this section shall be for one, two, and three years, respectively, and thereafter one trustee shall be appointed annually in each district. Said boards shall fill vacancies occurring within a regular term for the unexpired part thereof. No person who is unable to read and write shall be appointed a trustee.

§ 1455. Power of board to declare and fill vacancies, and to determine appeals.—The board shall furthermore have power, and it shall be its duty, to declare vacant and proceed to fill the office of any trustee who fails to qualify and to deliver to the clerk of this board his official oath in the usual form within thirty days after he has been notified by said clerk of his appointment. The board shall also vacate the office of any and every trustee who fails to discharge the duties of his office according

to law. In the investigation of any such alleged failure, or in hearing any case of appeal referred to it under this chapter, the electoral board shall have power to issue summonses and rules to witnesses to appear before it, and to require to be produced before it any official records, papers, or books pertaining to the case, and for failure to obey such summons or order the board may impose a fine not exceeding ten dollars for each offense. The chairman of the board shall have power to administer an oath to any witness appearing before it. The said board is hereby constituted a permanent board of appeal to hear and determine all complaints that may be referred to it under the provisions of section fourteen hundred and eighty-seven of this chapter.

§ 1456. Meetings of board.—Any member may call a meeting by giving due notice to the other two members. Any two members shall constitute a quorum; a concurrence of a majority of the board in a duly assembled meeting shall be required to constitute a valid act.

§ 1457. Clerk of board; his duties.—It shall be the duty of the clerk of the board to record all proceedings in a bound volume, which record book, together with such stationery and postage as may be required for correspondence with trustees, shall be paid for out of the county school fund on the warrant of the said board: provided, the cost of the same shall not exceed five dollars in any one year. The clerk shall furnish the superintendent of public instruction with a list of the school trustees of each district of the county, their postoffices and date of appointment, and such other information as may be called for. He shall promptly notify the board when unexpected vacancies occur, and shall also notify the same thirty days in advance of the expiration of regular terms of office, so that the district boards may be kept full and no members left to hold over unnecessarily. He shall promptly notify all trustees of their appointment, and also forward to the same blank copies of the official oath, to be furnished by the superintendent of public instruction.

§ 1458. Appointment of trustees by councils.—Nothing in this chapter shall be construed as giving authority to said board to interfere in any way with the appointment of school trustees by municipal councils or to disturb in any way the law bearing on the action of said municipal councils in the premises.

§ 1459. Who cannot be trustee.—No federal officer, except a fourth-class postmaster, and no supervisor, or county or State officer, or any deputy of said officers, shall be chosen or allowed to act as district school trustee.

§ 1460. Must be resident of district and take oath.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which he is appointed, and if he shall cease to be a resident thereof his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oath prescribed for officers of the State before the division superintendent of schools, who is hereby authorized to administer said oaths, and who shall certify the same to the clerk of the circuit court, and the said clerk shall make in his record book a minute of the qualification of said trustee.

District School Boards.

§ 1461. District school boards; quorum; chairman and clerk.—In each school district there shall be a district school board, consisting of three trustees, who shall be appointed as prescribed by section fourteen hundred and fifty-four of this chapter. In case the State board of education, in redistricting any county, shall reduce the number of school districts, it shall provide for vacating the offices of such trustees as may be necessary to conform to the provisions of this section. Each board of school trustees, any two of whom shall constitute a quorum, shall appoint one of their number chairman and another clerk.

§ 1462. Clerks of district boards to take census of school population; their pay.—The clerk of each district school board, during the month of June or July, nineteen hundred and five, and every five years thereafter, shall, in proper person or by deputies approved by the division superintendent of schools, take a census of all persons between the ages of seven and twenty years residing within the school district, and gather statistics relating to the interests of education in said district, according to the forms furnished by the superintendent of public instruction. The lists thus prepared shall be submitted for careful revision to the district school board as soon as may be after their completion, and shall at all times be open to the inspection of any citizen. When so revised they shall be submitted, along with the other papers of the district, to the county board at its annual meeting, and immediately thereafter delivered to the division superintendent. For said service the clerk or his deputy shall receive compensation out of the district school fund at the rate of three dollars per hundred of the children listed by him, subject to abatement, on the discovery, before or after the settlement of the account, of errors or omissions in the list, or to a fine, by the district board, as provided in section fourteen hundred and seventy-four.

§ 1463. Clerk to take census of the deaf and the blind; his pay; superintendents to transmit consolidated reports to the school for the deaf and blind.—He shall, at the same time, also take a separate census of the deaf and the blind persons between said ages residing within the school district, giving the sex, age, and residence of each, and return a copy thereof to the division superintendent. For this service he shall receive a compensation similar to that allowed for listing other children, and out of the same fund. The superintendent shall consolidate the reports of the county and transmit the same to the superintendent of the school for the deaf and blind.

§ 1464. Clerks to keep record of proceedings of boards; accounts; open to inspection.—He shall keep in a bound volume a record of the proceedings of the board, and in another book a cash account and a record of his own official acts, and shall keep on file vouchers, contracts, and other official papers; all of which shall be open to the inspection of the division superintendent of schools and of every citizen of the district, and shall be subject to such periodical examinations as shall be prescribed by the State board of education.

§ 1465. To discharge other duties; their pay.—He shall discharge such other duties in connection with the school business of the district as

may be required of him, and for his services may be allowed, out of the district fund, an amount not exceeding two dollars for each school.

§ 1466. Powers and duties of district boards of school trustees.—The duties of district boards of school trustees shall be, in general, as follows:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools and for regulating the conduct of pupils going to and returning from school.

Second. To employ teachers, and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, however, that the authority hereby given shall be subject to review by the board of appeal provided by section fourteen hundred and fifty-five of this chapter: provided, also, that no district school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force issued or approved by the division superintendent for the division within which such teacher is to be employed. The members of any district board who shall violate any of these provisions shall be personally responsible to such teacher for his salary.

Third. To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

Fourth. To decide what children wishing to enter the schools of the district should by reason of the poverty of their parents or guardians receive text-books free of charge, and to provide for supplying them accordingly.

Fifth. To see that the census of children required by section fourteen hundred and sixty-two of this chapter is taken in the proper time and in proper manner.

Sixth. To hold regular meetings at fixed periods, to be prescribed by the State board of education, and special meetings when called by the chairman or by two members.

Seventh. To call meetings of the people of the district for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside, if present.

Eighth. On or before the fifteenth day of May, in each year, to prepare and return to the president of the county school board, to be by him laid before the board at its earliest meeting, an estimate of the amount of money which will be needed in the district during the next school year for providing school-houses, text-books for indigent children, and other school appliances, and necessary expenses.

Ninth. To provide suitable school-houses with proper furniture and appliances, and care for, manage, and control the school property of the district. For these purposes it may lease, purchase, or build such houses, according to the exigencies of the district and the means at its disposal.

Tenth. To visit the public free schools within the district from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Eleventh. To provide for the pay of teachers and of the clerk of the board, the cost of providing school-houses and the appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text-books for indigent children attending the public free schools, and any other expense attending the administration of the public free school sys-

tem, so far as the same is under the control or at the charge of the school district or its officers.

Twelfth. To examine all claims against the school district, and, when approved, to pay the same: provided, that a record of such approval shall be made in the proceedings of the board; and a warrant on the county treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the — day of —.

Thirteenth. To perform such other duties as shall be prescribed by the State board of education or are imposed by other parts of this chapter.

Fourteenth. To report on any matter when required by the division superintendent of schools, and on or before the tenth day of August of each year to make a report for the school year closing July thirty-first preceding on all subjects embraced in the blank forms supplied by the superintendent of public instruction.

Fifteenth. County, city, or district school boards and counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, or to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district or by such county, city, or district school boards. Said boards may also provide for the introduction of manual or industrial training and other special branches into any public school.

§ 1467. School districts; to be numbered or named and recorded.—School districts in each county shall be numbered or named by the division superintendent of schools thereof, and the name or number and boundaries thereof shall be recorded in the office of the clerk of the circuit court, and shall be reported to the superintendent of public instruction and be filed in his office.

§ 1468. Each district a corporation; how designated.—The school trustees of each district shall constitute the district school board, and shall be a body corporate under the name and style of the “school board of — district, number —, of the county of —,” by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal.

§ 1469. Bounds of district; when towns may constitute separate districts.—Each magisterial district shall constitute a separate school district unless the State board of education shall provide for redistricting any county where the interests of the schools require it.

A town of more than five hundred inhabitants may, if the council of such town so elect, be constituted a single school district; and such council shall have the power to appoint three school trustees to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years: provided, that in all cases in which a school district includes territory outside of the corporate limits of the town, the trustees shall be appointed by the school trustee electoral board provided for in section fourteen hundred and fifty of this chapter.

§ 1472. Officers and teachers not to have pecuniary interest in books, and so forth, supplied to schools; exceptions; not to discount warrant.—First. School officials to have no interest in books, and so forth.—No member of the State board of education, nor any division superintendent of schools, nor school trustee, nor any other school officer, nor any teacher of a public free school, shall have any pecuniary interest, directly or indirectly, in any contract for building a public free school-house, or in furnishing material to a contractor for building such school-house, or in supplying books, maps, school furniture or apparatus to the public free schools of this State, or act as agent for any author, publisher, book-seller or dealer in any such school furniture or apparatus, directly or indirectly, receive any gift, emolument, reward, or promise of reward, for his influence in recommending or procuring the use of any book, map, school furniture or apparatus of any kind in any public free school of this State. Any school officer or teacher who shall violate this provision, besides being removed from his post, shall be subject to a penalty of not less than ten nor more than five hundred dollars. Exceptions to the requirements of this section may be made by the State board of education in the case of a school officer or teacher being the author of any school book or map, or the inventor of school furniture or apparatus, in which case the State board of education may, in its discretion, make specific arrangements whereby such school officer or teacher may, if his book, map, or invention be adopted by proper authority, enjoy the benefits of the proceeds thereof without offense: provided, that no unfair advantage be allowed over other competitors in securing the adoption of the book, map, or invention.

Second. School officers not to be interested in any contract for work or supplies for schools, and so forth.—It shall not be lawful for any member of a school board, or any officer of the public free schools, or any firm in which said trustee or officer is interested, or any agent of such trustee or officer, to be concerned in any contract with a public school board or a committee of such school board for any work or labor ordered to be done, or for goods, wares, or merchandise or supplies of any kind ordered by a school board or a committee of such school board, except as provided in first subdivision of this section. It shall be unlawful for any such trustee or officer to sell, convey, or deliver any goods, wares, merchandise, or supplies of any kind to a school board or committee of such board, or to receive, directly or indirectly, any profit or emolument from any contract with, or sale to, such board, or a committee thereof, except as provided in this section. If any such contract or sale shall be made it shall be void, and if such claim or bill be paid, the amount paid, with interest, may be recovered by the county or district within two years after payment by action or motion in the circuit court having jurisdiction over said county or district.

Third. School officials forbidden to discount warrants.—It shall be unlawful for any county, district, or school officer, school trustee, or corporation officer in this Commonwealth to acquire by purchase, at less than its face value, directly or indirectly, express or implied, any warrant or other evidence of indebtedness issued by any board of supervisors or any common council or board of aldermen of any county, city, or town in this

Commonwealth, or any warrant or claim issued by any of the public free school officers or school boards of this State for the pay of teachers, or the building of school-houses, or purchase of school books, school furniture, or apparatus. Any such officer or trustee violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars, and in the discretion of the jury may be imprisoned in the county or corporation jail not more than six months; and the judge of every circuit and corporation court in this Commonwealth shall give this law specially in charge to every grand jury impaneled therein.

§ 1473. Delivery of records, and so forth, to successors.—All school officers going out of office shall deliver to their successors the records and all official papers belonging to the office. In case of the refusal or failure of any officer to do so, on demand by his successor, he shall forfeit not less than twenty-five nor more than one hundred dollars therefor, and a like penalty for each month during which he shall persist in withholding the same.

§ 1475. Disposition of penalties; how sued for.—All penalties and forfeitures imposed by the school law upon a division superintendent or a county treasurer of the county, and all penalties imposed upon the school trustees or other district school officers, or upon teachers, shall be for the benefit of the literary fund. The suit for such penalties shall be in the name of the Commonwealth, and if prosecuted in a court of record it shall be the duty of the attorney for the Commonwealth for the county to conduct the same. It shall also be the duty of the attorney for the Commonwealth, and any school officer of the county, or of any school district, as the case may be, to set such prosecution on foot: provided, that if a penalty shall be inflicted for any such offense by any of the school authorities, in pursuance of the school law, the party shall not be a second time subjected to a penalty therefor.

Teachers.

§ 1476. Teachers to hold certificate of qualification.—Every teacher of a public free school shall hold a certificate in full force, issued or approved by the division superintendent of schools for the division within which such teacher is to be employed.

§ 1477. To keep register and deliver same at close of term to clerk.—Every teacher in a public free school shall keep a daily register of facts pertaining to his school in such form as the superintendent of public instruction shall require, and shall be responsible for the safe-keeping and delivery of the same to the clerk of the school board at the close of the school term, or of the period of his service, whichever shall first happen.

§ 1478. Must enter into written contracts.—Written contracts shall be made by the district school board with all public free school teachers, in a form to be prescribed by the superintendent of public instruction, before they enter upon their duties. Such contracts shall be signed in duplicate, each party holding a copy.

§ 1479. May suspend pupils.—A teacher of a public free school may,

for a sufficient cause, suspend pupils from attendance on the school until the case is decided by the board of school trustees, which shall be with as little delay as possible: provided, that in all such cases of suspension the teacher shall report the facts in writing to the district school board, and to the parent or guardian of the child suspended.

§ 1481. Meeting of teachers to be encouraged; summer schools. First. Teachers' meetings.—County or district school boards may encourage meetings of teachers to be held from time to time in any county or school district under such regulations as the division superintendent of schools may prescribe.

Second. Appropriation for summer schools.—A sum not exceeding two thousand five hundred dollars, payable out of any amount appropriated out of the general fund of the State for public free school purposes, may be used annually by the board of education for the establishment and maintenance of State summer normal schools for the better equipment of the teachers in the public schools of this State.

Third. Purpose of summer schools.—The purpose of said normal schools shall be to familiarize the teachers in the public schools of this State with more advanced methods of teaching and to furnish such additional academic training as will tend to promote the usefulness of the public schools.

Fourth. How conducted.—The said summer normal schools shall be conducted under the general management of the board of education, and shall be subject to the supervision of the superintendent of public instruction, who shall, from time to time, select the places of holding said normal schools, the instructors therefor, and regulate the course of instruction to be pursued therein.

Fifth. Terms and regulations.—The said normal schools shall be held for a period of not less than four weeks in each year, beginning on such day or days in the summer vacation of the public schools as may be designated by the superintendent of public instruction. The sum hereby authorized to be expended shall be applied exclusively to the payment of instructors and to other necessary expenses incident to the conduct of said schools: provided, that all claims for services of instructors and other necessary expenses shall be submitted to and be approved by the board of education, and when so approved shall be paid by warrants of said board, drawn on the second auditor, and a separate account of the receipts and disbursements on account of the appropriation shall be kept by said board.

§ 1482. School property of district to vest in district school board.—The school trustees of each district shall constitute the district school board, and shall be a body corporate under the name and style of the "school board of ——— district, number ———, of the county of ———," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all school property, both real and personal, belonging to the district, shall vest in the said board.

§ 1483. How donations for schools in districts to vest.—When real or personal property is given to a school district it shall be vested in the district school board and be managed and applied by the said board ac-

according to the wishes of the donor: provided, that in case of any change in the boundaries of the district the county school board shall make provision for the continued fulfilment of the purposes of such donor as far as practicable.

§ 1484. Annual reports of treasurers and clerks of district boards to county board; records and papers.—It shall be the duty of the county treasurer to furnish, for the use of the county school board at its annual meeting in July, a report for the school year closing next preceding said meeting, showing in detail all transactions pertaining to the receipt and disbursement of school funds for said school year, together with his books, vouchers, or other official papers which contain accounts or evidences of receipts or disbursements; and likewise it shall be the duty of the clerks of the district boards to lay before the county school board, at the annual meeting, their official record and account books, contracts, deeds, and all other official books and papers pertaining to the school business of the year just closed. Upon examination of these records, accounts, or papers, should there appear to have been any delinquency or irregularity in the acts of the treasurer, or clerk of the county or district boards, or of any district board, or any member thereof, it shall be the duty of the county school board to cause a minute of the facts to be made in its records, and to take such other action as the case may require. It shall also be the duty of the county school board to cause all warrants which have been presented and paid by the county treasurer at this settlement to be cancelled by some efficient cancelling device, after which the said warrants shall be delivered to the division superintendent, who shall keep the same on file at least twelve months before destroying them.

§ 1485. Penalty for failure; superintendents to report on delinquent officers.—Should any county treasurer or clerk of any district school board fail to produce and lay before the county board his books and papers as required by the preceding section, it shall be the duty of the clerk of the county board to enter upon the minutes of that meeting a fine of five dollars against every such delinquent treasurer or clerk, which amount shall be deducted from the pay or percentage of such officer.

It shall be the duty of the division superintendent, before sending his annual report to the superintendent of public instruction, to examine the books and papers of every such delinquent officer, and to make a special report thereon in connection with his annual report. The county board shall have power to remit the fine of five dollars on the presentation of good and sufficient reasons for so doing.

§ 1486. Proceedings against officers, and so forth, to compel settlements of accounts.—The county school board shall have power, and it shall be its duty, in the event of any delinquency or irregularity in the acts of any treasurer, district board of trustees, or of any officer or member thereof, to take such steps and institute such legal proceedings as may be necessary and proper in order to secure a complete settlement of the accounts of such treasurer, board of trustees, or officer or member thereof, and a full and clear exhibit of the transactions of said officer or board in connection with the receipts and disbursements of any funds for public school purposes, and to compel the payment of any balance that may be in the hands of such treasurer, board of trustees, officer, or member

thereof. The county school board shall have power, and it shall be its duty, to take such steps and institute such legal proceedings as may be necessary and proper to secure a complete settlement of the accounts of any trustees to whom any funds or other property for the purposes of common school education shall have been entrusted, and to secure a full and proper administration of the said trusts; and to this end it may apply to the courts for the removal, for good cause shown, of the old trustees, and for the appointment of new trustees, either in place of those so removed or to fill vacancies, and to institute such suits or actions as may be necessary to compel the payment of any balances in the hands of the old trustees so removed, or to correct any defect or irregularity whatever in the administration of such trust fund or other property. It shall be the duty of the attorney for the Commonwealth to act as attorney for the said county school board, and to institute such legal proceedings as the said board may think proper and necessary.

§ 1487. Appeals.—Any five interested heads of families, residents of the district, who may feel themselves aggrieved by the action of any district school board, may, within thirty days after such action, state their complaint in writing to the division superintendent of schools, who, if he cannot within ten days after the receipt of the said complaint satisfactorily adjust the same, shall grant an appeal to the school trustee electoral board, which shall meet in the district where such complaint originated, and shall summon witnesses and decide finally all questions at issue. Any action taken or had by this board shall be recorded in its minutes and also in the record book of the district board whose action is reviewed.

§ 1488. Condemnation and purchase of land for school-houses.—If, in the judgment of the district school board, the public interests demand that a school-house be located on a particular spot, and no equitable arrangement for its purchase prove to be practicable, the board of trustees shall be authorized, and it shall be its duty, to cause the desired parcel of land to be surveyed by the county or other competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the circuit court; and thereupon, on application of the district school board, the same proceedings shall be had as are prescribed by the laws relating to the exercise of the right of eminent domain: provided, that no parcel of land thus condemned shall exceed one acre in a town or five acres in the country: provided, further, that no dwelling, yard, garden, or orchard shall be invaded, nor in an unincorporated town any space within one hundred feet of a dwelling, nor in the country any space within four hundred yards of a mansion house, without the consent of the owner.

Whenever it shall be necessary for any county or district school board, or other public officers of the county having authority for the purpose, to purchase real estate or acquire title thereto, for public uses, the contract therefor shall be in writing, and the evidence of title be submitted to the circuit court, or to the judge thereof in vacation, for approval, which approval shall be entered of record by the clerk of the court. No such contract shall be valid unless and until the title to such real estate be thus

approved; and if the court or judge refuse to approve the same, the disapproval shall be recorded in like manner.

§ 1489. Construction of school-houses; condemnation of unsuitable buildings.—No school-house shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same and immediately to give notice thereof, in writing, to the chairman of the district school board, and thenceforth no public school shall be held therein, nor shall any part of the State or county fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the district school board that he is satisfied with the condition of such building and with the appliances pertaining thereto.

§ 1490. District not to receive funds until it provides school-houses, and so forth.—No school district shall receive any part of the county or State funds until it has made proper provision for school-houses, furniture, apparatus, text-books for the indigent children, and all other means and appliances needful for the successful operation of the schools.

§ 1491. When State funds paid for school purposes in districts.—No State money shall be paid for a public free school in any school district until there is filed with the division superintendent a written statement, signed by the chairman and clerk of the board of district school trustees, certifying that the school has been kept in operation for five months during the current school year, or that arrangements have been made which will secure the keeping of it in operation that length of time: provided, that in case of the unavoidable discontinuance of a school before the expiration of the time required, the State board of education shall be allowed to relax the requirements of this section, and to decide the case on its merits.

§ 1492. Who admitted to public schools; provision for children of adjoining districts; separate schools for white and colored.—The public free schools shall be free to all persons between the ages of seven and twenty years residing within the school district; and the State board of education shall have power, and it shall be its duty, to make regulations whereby the children of one district may attend school in an adjoining district, either in or out of the county: provided, that white and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness, and efficiency.

§ 1493. Qualifications of preceding section.—The preceding section is subject to the following qualifications:

First. Any person domiciled in this State who is a taxpayer in any county, town, or school district of the State, although not resident of said county, town, or school district, may send his children, as if he were such resident, to any public free school therein, subject to the laws regulating public free schools in said county, town, or school district; and any guardian who is a taxpayer as aforesaid for his ward or wards shall be en-

titled to the same privilege for them, if they are domiciled in Virginia: provided, that children whose parents or guardians do not reside in a city shall be received into the public schools of such city only upon such terms and conditions as may be prescribed by the school board thereof.

Second. The school board of any district bordering on another State which grants the same privilege to the State of Virginia may, in its discretion, admit into its schools, free of tuition, persons of school age residing beyond the limits of this State, but near thereto, if their parents or guardians pay taxes in the said district.

Third. Attendance shall be upon the school in the district nearest to the residence of the pupils, unless otherwise ordered by the district school board, subject to the regulations of the State board of education.

§ 1494. Admission of persons between twenty and twenty-five years of age.—Any board of district school trustees may, in its discretion, admit as pupils into any of the public free schools of its district persons between the ages of twenty and twenty-five years on the prepayment of tuition fees, under regulations to be prescribed by the State board of education: provided, the admission of such pupils will not, in the opinion of the district board, impair the usefulness and efficiency of such school.

§ 1495. Minimum required for a school.—A minimum number of pupils, under regulations to be prescribed by the State board of education, shall be required in order to form a public free school.

§ 1496. Exclusion of persons with contagious diseases, or who have not been vaccinated.—Teachers shall require of the pupils cleanliness of person and good behavior during their attendance at school and on their way thither and back to their homes.

Persons suffering with contagious diseases shall be excluded from the public free schools while in that condition. Every teacher and pupil shall, within thirty days after entering a public free school, furnish a certificate from a reputable physician certifying that such teacher or pupil has been successfully or properly vaccinated, or is entitled to exemption by reason of peculiar physical condition: provided, that nothing in this section shall preclude a school board from requiring immediate vaccination in case of an epidemic of small-pox, or the annual revaccination of those who have not furnished certificates of proper vaccination: provided, further, that the operation of so much of this section as concerns vaccination may be suspended in whole or in part by the school board of any city or county.

Should any children who attend the public free schools be unable to pay for vaccination, they shall be vaccinated with genuine vaccine matter at the cost and expense of the town or county, and provision shall be made therefor by the council of the town or by the board of supervisors of the county.

§ 1497. What to be taught in schools.—In every public free school shall be taught orthography, reading, writing, arithmetic, grammar, geography, physiology and hygiene, civil government, drawing, history of the United States and history of Virginia. In teaching physiology and hygiene approved text-books shall be used, plainly setting forth the effects of alcohol and other narcotics on the human system, and such effects shall

be as fully and thoroughly taught as are other branches of the said last-named subjects.

§ 1498. Provision for intermediate grades of instruction.—For the purpose of encouraging an intermediate grade of instruction between that of the grammar school and that of the college, any county school board or any district school board may, under regulations to be prescribed by the State board of education, establish and maintain schools of higher grade, or in any public school provide for instruction in any branches necessary to qualify pupils to teach in the public schools or to enter institutions of higher education: provided, that for instruction in such higher branches the board may require a fee to be paid monthly or quarterly in advance, not to exceed two dollars and fifty cents per month for each pupil.

§ 1499. Higher branches not to interfere with elementary.—The establishment of such schools of higher grade or the introduction of such higher branches shall not be allowed to interfere with regular and efficient instruction in the elementary branches.

§ 1500. When more than one teacher to be employed.—In schools having not less than forty pupils enrolled, with an average attendance of thirty, two teachers may, in the discretion of the district school board, be employed, the whole time of one of whom shall be devoted to instruction in elementary branches.

§ 1501. Text-books, change of.—No text-books which may hereafter be adopted for use in any public free school in the State of Virginia shall be changed or substituted until the same shall have been used for a period of not less than four years.

§ 1502. Preference to be given to graded schools.—In all localities where the number of children is sufficient, preference shall be given, under suitable regulations, to the establishment of graded schools.

§ 1503. How number of schools regulated.—The number of schools in the State shall be according to the funds available, and for this purpose the district school boards are authorized to provide for the consolidation of schools and the transportation of pupils.

§ 1504. Multiplication of schools to be guarded against.—It shall be the duty of the board of education to guard, by regulation, against so great a multiplication of schools, in proportion to the funds provided, as will tend to cause a low grade of instruction in the public free schools.

§ 1505. The literary fund.—There shall be set apart as a permanent and perpetual literary fund the present literary funds of the State, the proceeds of all public lands donated by congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the State by forfeiture, and all fines (except where it is otherwise expressly provided) collected for offenses committed against the State, donations made for the purpose, and such other sums as the general assembly may appropriate. The same shall be known as "the literary fund," and shall be invested and managed by the State board of education as prescribed by the eleventh subdivision of section fourteen hundred and thirty-three of this chapter. The principal of the said fund shall always remain unimpaired and entire, and the annual income arising therefrom shall be, and is hereby, dedicated exclusively to

the support and maintenance of public free schools in this State. It shall be the duty of the auditor of public accounts, annually, to pay over, in money, according to the usual forms and general provisions of law, all that portion of the annual revenue of the State which is set apart for public free school purposes.

The proceeds of all fines collected for offenses committed against the State and directed by section one hundred and thirty-four of article nine of the Constitution of Virginia to be set apart as a part of a perpetual and permanent literary fund shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the literary fund, and shall be used for no other purpose whatsoever.

§ 1506. Of what school funds to consist.—The funds applicable annually to the establishment, support, and maintenance of public free schools in this State shall consist of—

First. State funds, embracing the annual interest on the literary fund, all appropriations made by the general assembly for public free school purposes, that portion of the capitation tax provided for in the Constitution to be paid into the State treasury and not returnable to the counties, and such tax on property, not less than one mill nor more than five mills on the dollar, as the general assembly shall, from time to time, order to be levied. These funds shall be applied exclusively to the maintenance of primary and grammar schools.

Second. County funds, embracing such tax as shall be levied by the board of supervisors in pursuance of this section, and donations, or the income arising therefrom, or any other funds that may be set apart for county school purposes.

Third. District funds, embracing such tax as shall be levied by the board of supervisors of the county for the purposes of the school district in pursuance of this section, such dog tax as shall be applied to school purposes by the board of supervisors, and donations, or the income arising therefrom, or any other funds that may be set apart for district school purposes.

The board of supervisors of each county, on or before the fourth Monday in July of each year, or as soon thereafter as practicable, or when the division superintendent of schools shall file with the said board the estimates made by the county and district school boards in accordance with section fourteen hundred and sixty-six of this chapter, shall levy a tax of not less than seven and a half nor more than twenty cents on the hundred dollars of the assessed value of the real and personal property in the county for the support of the public free schools of the county, and a tax of not less than seven and a half nor more than twenty cents on the hundred dollars of the assessed value of the real and personal property in any school district for district school purposes: provided, that should the board of supervisors fail to make a levy sufficient to raise the amounts estimated by the county school board as necessary for county and district school purposes, respectively, it shall, upon a petition in writing from the county school board praying for a reference of the question of such increased levy to the qualified voters of the county or of the district, as the case may be, submit the question and the amount of the increase to

the qualified voters of the said county for the increase in the county levy, or to the qualified voters of the said district as to the increase in the district levy: provided, however, that the total levy for county and district school purposes shall not exceed fifty cents on the hundred dollars of the assessed value of the taxable property in both the county and the district: provided, further, that no such increased levy shall be made unless a majority of the qualified voters voting at the election shall vote in the affirmative. In towns that constitute single school districts the council, instead of the board of supervisors, may make the levy for district school purposes.

§ 1507. Approximate apportionment and disbursement of State funds. The auditor of public accounts, on or before the fifteenth day of September of each year, shall make a calculation of the gross amount of all funds applicable to public free school purposes for the ensuing year, which calculation shall be based upon the land and property books of the several commissioners of the revenue for said year; and when said books have not been received in time, he shall base said calculation upon the commissioners' books of the next preceding year. He shall report to the superintendent of public instruction, not later than the fifteenth day of September in each year, ninety per centum of the gross amount of all the funds found to be applicable to public free school purposes for the current year as an approximate basis for distribution; whereupon, under the direction of the board of education, there shall be furnished to the auditor a distributive statement of the amounts due the several counties and cities in the State upon this approximate basis. Upon receipt of such statement the auditor shall issue his warrant upon the treasurer of the State, in favor of each division superintendent of schools, for the amount each city or county is entitled to receive under such statement, which warrant, when endorsed by the division superintendent to the treasurer of the county or city, as provided by the following section, shall be paid by the treasurer of the State, or shall be accepted from such county or city treasurer as cash in all settlements for public revenue made by him with the auditor, as far as paid by the warrants provided for in section fifteen hundred and nine of this chapter.

§ 1508. Division superintendent to endorse and deposit warrant with treasurer.—The division superintendent of schools shall, upon the receipt of such warrant, endorse the same to and deposit it with the treasurer of the county, together with a written statement showing the amount to be placed to the credit of each school district.

§ 1509. Treasurer to pay warrants.—All warrants drawn by district school boards upon the State school tax fund shall be paid by the treasurer out of any State funds collected by him. But in no case shall he pay out a greater sum for any district than the amount of State school funds apportioned to said district.

§ 1510. County boards to compare warrants.—At the annual meeting in August, in each year, the county school boards shall compare the warrants issued by each district board with those paid by the treasurer, and, through the division superintendent of schools, report the result to the superintendent of public instruction.

§ 1512. Distribution of residue of State funds.—Should there be

found, upon the collection of the taxes, an amount greater than the approximate amount hereinbefore provided, due to the public free schools of the State for any one year, then the excess due the schools shall be distributed as provided by section fifteen hundred and seven, and nothing in the school law shall be construed to interfere with the same.

§ 1514. Assessment of school taxes; district taxes to be kept separate; duty of auditor as to land and property books.—All taxes imposed for public free school purposes, whether by the State or by or for any county, or by or for any school district, shall be assessed at the same time and in the same manner as are State and county taxes for ordinary purposes; and in any county or district where such tax has been levied by the board of supervisors of the county, it shall be the duty of the commissioners of the revenue therein to extend such tax in the copies of their land and property books which they return to the treasury of the county. Where two or more school districts are included in the same commissioner's district, it shall be his duty, when he extends the school tax in his land and property books, to keep separate the tax for each school district, indicating by name or number the district wherein the property is taxed. It shall be the duty of the auditor of public accounts to have the land and property books prepared with three columns, one for entering the county school levies, one for entering the district school levies, and the third for entering the name or number of the school district wherein the property is taxed.

§ 1515. County treasurers to receive and disburse school moneys; to collect school levies and keep separate accounts; their compensation.—All school moneys to be disbursed in any county shall be received, kept, and disbursed by the county treasurer thereof, subject to similar responsibility as in case of other funds by law committed to him. It shall be his duty also to receive and collect all taxes levied or ordered by the board of supervisors of his county for public free school purposes therein, at the same time and in the same manner, and subject to the same provisions, regulations, restrictions, and penalties as are or may be prescribed by law for the receipt and collection of county levies for other and ordinary purposes. He shall keep the district funds in separate accounts from those of the State and county; but his books shall show whence and on what accounts the moneys were severally derived, and by what order, on what account, and to whom the disbursements were made. He shall make disbursements only in pursuance of a warrant, in writing, from the proper authority, in manner and form as prescribed in this chapter. For receiving, collecting, and disbursing levies imposed for and by counties or school districts, he shall be entitled to the same compensation allowed him by law for receiving, collecting, and disbursing county levies, and for other ordinary purposes. His compensation for disbursing moneys apportioned to the county from the State funds, for public free school purposes, shall be a commission of not exceeding two per centum on the amount thereof, to be fixed by the county school board.

§ 1516. Requisition by treasurer for State funds; to notify superintendent when received.—At the proper time each division superintendent of schools shall notify the county treasurer in writing that the State money apportioned to the county in cash is ready for distribution, where-

upon the county treasurer shall forthwith make requisition in due form upon the second auditor for the amount specified; and as soon as the money has been received into the county treasury, it shall be the duty of the treasurer to inform the division superintendent of the fact.

§ 1517. Claims against school districts, how audited and warrants issued.—For the pay of public free school teachers, of the clerks of boards of district school trustees, the cost of providing school-houses and the appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text-books for children attending the public free schools in cases where the parent or guardian is unable, by reason of poverty, to furnish them, and any other expense attending the public free school system, so far as the same is under the control or at the charge of the school district or its officers, it shall be necessary first to obtain from the board of school trustees of the district concerned an order approving the claim and directing it to be paid, which shall be duly recorded in the proceedings of the said board; whereupon a warrant shall be drawn, signed by the chairman of the said board and countersigned by the clerk thereof, payable to the order of the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order of the board.

§ 1518. Treasurer's accounts, how rendered and examined.—The county treasurer shall, on the first day of December of each year, or within ten days thereafter, make to the division superintendent of schools, on blanks to be furnished by the superintendent of public instruction, a report showing the amount collected on account of the State, county, and district school levies, respectively, prior to the first day of December of said year, on which no penalty is due, and also the balance of each of said levies uncollected, and upon which the penalty of five per centum is to be added, and showing the number and amount of warrants on the State, county, and district funds presented for payment from each district, respectively, the number and amount of such warrants paid by the treasurer, and the balance of State, county, and district funds on hand, and to what districts due. If any treasurer shall fail to comply with the provisions of this section it shall be the duty of the county school board to impose a fine of not less than one dollar, nor more than five dollars a day for each day of such delinquency, the said fine to be deducted from any pay or percentage of such treasurer.

The treasurer of every town constituting a single school district may perform like duties, be subject to like fines and penalties, and be entitled to the same rate of compensation as the treasurer of a county.

§ 1519. How salaries of superintendents paid.—The salaries of division superintendents of schools, so far as payable by the State, shall be paid out of the bulk of the State school funds as distinguished from the appropriations from the same to the several counties.

§ 1520. Unexpended school funds, how disposed of.—All sums of money derived from State funds which are unexpended in any year in any public free school district shall go into the general school fund of the State for redivision the next year; and all sums derived from county or district funds unexpended in any year shall remain a part of the county

or district funds, respectively, for use the next year. But no sums derived from county or district funds shall be subject to redivision outside of the county or district, respectively.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 510.—An ACT to amend and re-enact sections 3744 and 3745 of the Code of Virginia, in relation to the giving or acceptance of a bribe, and the punishment therefor.

Approved December 30, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-seven hundred and forty-four and thirty-seven hundred and forty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3744. Bribes to influence vote, opinion, and so forth, of officers, how punished; going out of State to give or offer, and so forth, and returning.—If any person give, offer, or promise anywhere in this State, or if, being a resident of this State, any person shall go out of this State with the intention of returning for the purpose of giving, offering, or promising, and does give, offer, or promise and afterwards return to and reside in this State, any gift or gratuity to any executive, legislative, or judicial officer, after his election or appointment, and either before or after he shall have been qualified, or shall have taken his seat, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which is or may be then pending, or may by law come or be brought before him in his official capacity, he shall, upon conviction, be confined in the penitentiary not less than one nor more than ten years.

§ 3745. Acceptance thereof by officer, how punished.—If any executive, legislative, or judicial officer accept in this State, or if, being resident in this State, such officer shall go out of this State and accept, and afterwards return to and reside in this State, any gift or gratuity, or any promise to make a gift or do any act beneficial to such officer under an agreement, or with an understanding that his vote, opinion, or judgment shall be given on any particular side of any question, cause, or proceeding which is or may be by law brought before him in his official capacity, or that in such capacity he shall make any particular nomination or appointment, he shall, upon conviction, be confined in the penitentiary not less than one nor more than ten years, and shall forfeit his office and be forever incapable of holding any post mentioned in section one hundred and sixty-two.

2. This act shall be in force from its passage.

CHAP. 511.—An ACT to provide for abating public nuisances and to repeal an act approved March 5, 1888, in relation thereto.

Approved December 30, 1903.

1. Be it enacted by the general assembly of Virginia, That when complaint is made to the circuit, corporation, or hustings court of any county, city, or town of this State, by five or more citizens of any county, city, or town, setting forth the existence of a public or common nuisance, the court of such county, city, or town, or the judge thereof in vacation, shall summon a special grand jury, in the mode now provided by law, to the next term of such court, to specially investigate the complaint made as aforesaid.

2. If upon a full investigation of such complaint the grand jury is satisfied that the nuisance complained of is of a public nature, it shall proceed to make presentment against such person or persons as they may find have created or caused such nuisance: provided, however, that if any such nuisance be upon premises the owner of which did not create or cause such nuisance, but permitted its continuation, such owner shall, for the purposes of this act, be deemed responsible for such nuisance, and if such owner be not a resident or citizen of this State, or one whose residence is not known, such presentment shall be against the premises upon which such nuisance is.

3. Upon any such presentment the court shall order a copy thereof to be served upon the person or persons presented, or whose property is presented, in the manner prescribed by law as to the service of notices. To any such proceeding, if it be in rem, any person interested, or for and in behalf of the owner of such premises, may make defense.

4. Upon the trial of any such presentment the person or persons who have created, caused, or permitted the continuation of such nuisance, if found guilty, shall be fined, in the discretion of the jury, not more than five thousand dollars; and upon such verdict the judgment of the court shall be for the amount of fine imposed and the costs of such proceeding, and also that such nuisance be forthwith removed and abated. Every such judgment, whether the proceeding in which it is rendered be in personam or in rem, shall have the force and effect of a judgment rendered in any other proceeding at law.

5. Be it further enacted, That an act approved March fifth, eighteen hundred and eighty-eight, entitled "an act to provide for abating public nuisances and for disposing of fines imposed therefor," be, and the same is hereby, repealed.

6. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 512.—An ACT to amend and re-enact chapter 67 of the Code of Virginia, in relation to public free schools in cities and in towns constituting separate school districts.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter sixty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

CHAPTER LXVII.

Of Public Free Schools in Cities and in Towns Constituting Separate School District.

§ 1522. Their establishment and management.—An efficient system of public free schools shall be established and maintained in all the cities and towns constituting separate school districts of the State.

The public free school system shall be administered by the following authorities, to-wit: A State board of education, a superintendent of public instruction, division superintendents of schools, and city school boards. The provisions of chapter sixty-six, except as provided in this chapter, shall be applicable to such cities and towns in like manner as to the counties of the Commonwealth; and city and town school boards, officers, trustees, and teachers, as well as city and town treasurers, are charged with reference to the public free schools of such cities and towns with the duties, vested with the powers of and subject to the limitations and penalties imposed upon similar officers, boards, trustees, and treasurers in the counties by chapter sixty-six, unless otherwise provided.

§ 1524. Number and bounds of school districts.—The school boards of the respective cities shall have power, subject to the approval of the common councils, to prescribe the number and boundaries of the school districts; but until such provision is made every such city which is not divided into wards shall constitute a single school district, and, in every city which is divided into wards, each ward shall be a school district. The number and boundaries of districts shall be duly reported to the superintendent of public instruction and recorded in his office, and also in that of the clerk of the corporation court, or in that of the circuit court if there be no corporation court.

§ 1525. School board of city a corporation.—The school trustees of each city shall be a body corporate under the name and style of "the school board of the city of ———," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all school property, both real and personal, within the city shall vest in the said board, except by mutual consent of the council and school board the title to property may vest in the city. The trustees of the several districts, where there are more than one, shall have no organization or duties except such as may be assigned to them by the consolidated body.

§ 1526. Its territorial jurisdiction; quorum; its clerk, his pay.—The official care and authority of the school board shall cover all the territory included in the corporate limits of the city. A majority of its members shall constitute a quorum. It may, at discretion, appoint a clerk, who

shall not be a member of the board; and shall make by-laws and regulations for its own government and for the management of its official business, so far as they do not conflict with the provisions of the law.

§ 1527.—Who ineligible as division superintendent.—No mayor, member of council, or treasurer of a city shall be eligible to the office of division superintendent of schools of such city.

§ 1528. School trustees.—The council of each city shall appoint three trustees for each school district in such city, whose term of office shall be three years, respectively, and one of whom shall be appointed annually. If a vacancy occurs in the office of trustee at any time during the term, the council shall fill it by appointing another for such part of the term as has not expired. The trustees in office when this act takes effect shall continue in office until the terms for which they were respectively appointed shall have expired by limitation. Within thirty days preceding the day on which the term of said trustees shall expire by limitation, and within the like number of days preceding the day on which the term of any trustee shall expire by limitation in any subsequent year, such council shall appoint a successor to each such trustee in office, whose term shall commence when the term of his predecessor shall have expired: provided, the office of any such trustee has not been abolished in redistricting the city: and provided, that of those first appointed under this chapter one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years.

§ 1529. Levy of taxes for schools.—The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed thirty cents on the one hundred dollars of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy.

§ 1531. Apportionment of State funds; how and by whom kept and disbursed.—The State school funds shall be apportioned to cities separately from their counties; and all funds designed for the benefit of public free schools therein shall be deposited with the treasurers of such cities, and kept by said treasurers in separate accounts, and disbursed only on orders from the city school boards, respectively: provided, that no district school board shall employ or pay any teacher from the public funds if said teacher is the brother, sister, wife, son, or daughter of any member of said board.

§ 1533. Pay of division superintendent.—The division superintendent of a city shall receive pay from the State in like proportion as other division superintendents of schools; but nothing herein shall be construed to limit the amount of additional remuneration which he may receive from the council of the city within which he acts.

§ 1534. When to teach.—The division superintendent of a city may teach in a public school, ex-officio, when requested so to do by the city school board.

§ 1538. Powers and duties of board of trustees; qualification of trustees, and so forth; a corporation.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which appointed, and if he shall cease to be a resident thereof his office shall be

deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oaths prescribed for officers of the State before the corporation or the circuit court; or, in vacation, before the judge or clerk of said court, and the clerk of the said court shall make in his record book a minute of the qualification of said trustee.

No federal or State officer, no member of council or any officer thereof during his term of office, or for one year thereafter, or city treasurer, shall be chosen or be allowed to act as district school trustee.

The city school board of every city shall establish and maintain therein a general system of public free schools in accordance with the requirements of the Constitution and the general educational policy of the Commonwealth, for the accomplishment of which purpose it shall have the following powers and duties:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

Second. To determine the studies to be pursued, the methods of teaching and government to be employed in the schools, and the length of the school term.

Third. To employ teachers and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force issued or approved by the division superintendent for the division in which such teacher is to be employed.

Fourth. To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

Fifth. To decide what children, wishing to enter the schools of the city, are entitled by reason of the poverty of their parents or guardians to receive text-books free of charge, and to provide for supplying them accordingly.

Sixth. To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

Seventh. To see that the census of children required by sections fourteen hundred and sixty-two and fourteen hundred and sixty-three of the Code of Virginia is taken within the proper time and in proper manner.

Eighth. To hold regular meetings and to prescribe when and how special meetings may be called.

Ninth. To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

Tenth. To provide suitable school-houses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal. No school-house shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conve-

niences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building and with the appliances pertaining thereto.

Eleventh. To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Twelfth. To manage and control the school funds of the city, to provide for the pay of teachers and of the clerk of the board, for the cost of providing school-houses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text-books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

Thirteenth. To examine all claims against the school board, and, when approved, to pay the same: provided, that a record of such approval shall be made in the proceedings of the board, and a warrant on the city treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person or persons entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the — day of —.

Fourteenth. School board to submit estimate.—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision, by appropriation or levy, for the same.

Fifteenth. To perform such other duties as shall be prescribed by the State board of education or are imposed by other parts of this act.

City school boards shall in general have the same powers in relation to the condemnation or purchase of land and to the vesting of the title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however so set apart, whether by gift, grant, devise, or any other conveyance, and from whatever source, as county and district school boards have in the counties. They shall also have a clerk, who shall be charged with the same duties as the clerk of district school boards.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 513.—An ACT to amend and re-enact an act entitled “an act to allow notaries or other officers who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officers are in no wise interested,” approved February 2, 1892, as amended and re-enacted by an act approved March 1, 1894, and to validate all such acknowledgments heretofore taken by such notaries or officers, and to repeal an act entitled “an act to amend and re-enact an act entitled ‘an act to allow notaries or other officers who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officers are in no otherwise interested,’ approved March 1, 1892, as amended and re-enacted by an act approved February 2, 1894, and to validate all such acknowledgments heretofore taken by such notaries or officers,” approved May 20, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act entitled an act to allow notaries or other officer who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officer are in no otherwise interested, approved March first, eighteen hundred and ninety-two, as amended and re-enacted by act approved February second, eighteen hundred and ninety-four, and to validate such acknowledgments heretofore taken by such notaries or officer, be amended and re-enacted so as to read as follows:

§ 1. That no acknowledgment heretofore taken to any deed or any writing executed by a company, or for the benefit of a company, shall be held to be invalid by reason of the said acknowledgment having been taken by a notary public or other officer duly authorized to take acknowledgments who, at the time of taking said acknowledgment, was a stockholder, an officer, or both, in the company which executed said deed or writing, or for the benefit of which said deed or writing was executed, but who was not otherwise interested in the property conveyed or disposed of by said deed or writing; and such deed or other writing, and the recordation thereof, shall be valid in all respects as if this act had been in force when it was executed.

§ 2. And hereafter any notary public or other officer duly authorized to take acknowledgments may take the acknowledgment to any deed or other writing executed by a company, or for the benefit of a company, although he may be a stockholder in such company: provided, he is not also at the time such an officer of said company that would have to unite in executing such deed or writing, or is not otherwise interested in the property conveyed or disposed of thereby.

2. Be it further enacted, That an act entitled “an act to amend and re-enact an act entitled ‘an act to allow notaries or other officers who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officer are in no otherwise interested,’ approved March first, eighteen hundred and ninety-two, as amended and re-enacted by act approved February second, eighteen hundred and ninety-four, and to validate all such acknowledgments heretofore taken by such notaries or officer,” approved May twentieth, nineteen hundred and three, be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 514.—An ACT to provide a remedy for the correction and redress of erroneous assessments of property for taxation in cases not already provided for by law.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That in any case where any person or corporation is aggrieved by any assessment of his or its real or personal property, for the correction and redress of which no remedy has been heretofore expressly provided by law, such person or corporation may obtain redress in the following manner and upon the following conditions:

(a) If such assessment was heretofore made of personal property by a commissioner of the revenue at any time prior to February first, nineteen hundred and two, then the application may be made at any time before July first, nineteen hundred and four, in the court, and relief shall be given in the manner and upon the terms and with the effect prescribed in sections five hundred and sixty-seven and five hundred and sixty-eight of the Code of Virginia, as amended by an act passed at the present session of this general assembly, with right of appeal and supersedeas to the State as provided in section five hundred and seventy-three of the Code, and the act amendatory thereof.

(b) If such assessment has been made, or shall be hereafter made by the State corporation commission, of the real or personal property or of the franchises of any corporation in any case for which a remedy for the redress and correction of any such assessment is not now expressly provided by law, any such corporation, or the State, or any county or city, at the instance of the attorney-general for the State, and of the Commonwealth's attorney for any county or city aggrieved, may, at any time within sixty days from the passage of this act, or if the assessment complained of shall be hereafter made within sixty days after receiving a certified copy of the assessment and ascertainment of such taxes by the State corporation commission, apply to the supreme court of appeals in the manner and upon the terms prescribed by said court.

2. This act shall be in force from its passage.

CHAP. 515.—An ACT to provide for the transfer of causes at law, presentments, informations, and indictments for misdemeanors and felonies pending in the county courts of the Commonwealth to the circuit courts of such counties.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That all causes at law, and all presentments, informations, and indictments for felonies or misdemeanors pending in the county courts of the Commonwealth on the thirty-first day of January, nineteen hundred and four, shall be removed to the circuit court of the respective counties, and the clerk of the county court is hereby directed to deliver to the circuit court for such county the original papers, complete, of all such causes, and all presentments, informations, and indictments for misdemeanors or felonies so removed, with the copies of all rules and orders made not contained in

the original papers, and shall enter on the order book of the county court the disposition made of such causes, and the clerk of the circuit court is hereby directed to receive and file in the office of his said court the papers so removed, and the said causes, indictments, and presentments shall stand in all respects as they stood in the county court, and like proceedings shall be had and process issued as if said causes, presentments, and indictments had been originally commenced in the circuit court. The cost of such removals shall be borne by the Commonwealth.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 516.—An ACT to amend and re-enact section 2 of an act of the general assembly of Virginia, entitled "an act defining the powers and duties of the board of agriculture and immigration, and providing for an election of a commissioner of agriculture and immigration, and for repealing all acts in conflict with this act," approved May 20, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section two of an act of the general assembly of Virginia, entitled "an act defining the powers and duties of the board of agriculture and immigration, and providing for an election of a commissioner of agriculture and immigration, and for repealing all acts in conflict with this act," approved May twentieth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 2. Meetings of board; special session, how called; pay of expenses of members.—The board of agriculture and immigration shall meet twice a year for the transaction of business: provided, that the president of the board shall have power to call a special meeting of the board at any time upon his own authority, or by the request of the commissioner of agriculture or three of its members, made in writing. The members, while in attendance upon the sessions of the board, shall be allowed their necessary traveling expenses, to be paid out of the funds of the department of agriculture and immigration.

2. All acts or parts of acts in conflict with this act are to that extent hereby repealed.

3. This act shall be in force from its passage.

CHAP. 517.—An ACT to repeal an act entitled “an act to impose a tax on corporations chartered and organized as social clubs desiring to keep liquors at their club house or other place of meeting, to be sold or given away to the members of the corporation for the support of the government and public free schools, and to pay the interest on the public debt, and to prescribe the mode of paying such tax and penalty for its non-payment; to define the privileges of such clubs, and to prescribe in what cases their charters may be revoked,” approved February 23, 1898, and to amend and re-enact section 144 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, and to repeal the charters of all social clubs granted by the State corporation commission since April 16, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to impose a tax on corporations chartered and organized as social clubs desiring to keep liquors at their club-house or other place of meeting, to be sold or given away to the members of the corporation for the support of the government and public free schools, and to pay the interest on the public debt, and to prescribe the mode of paying such tax and penalty for its non-payment; to define the privileges of such clubs, and to prescribe in what cases their charters may be revoked, approved February twenty-third, eighteen hundred and ninety-eight, be, and the said act is hereby, repealed.

And be it further enacted by the general assembly of Virginia, That section one hundred and forty-four of an act approved April sixteenth, nineteen hundred and three, entitled “an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution,” be amended and re-enacted so as to read as follows:

§ 144. Any corporation chartered and organized as a social club which shall desire to keep on hand at their club-house wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, or any mixture thereof, bitters containing alcohol, or fruits preserved in ardent spirits to be sold, directly or indirectly, or given away to the members of such corporation, shall, on or before the thirtieth day of April in each year, pay to the treasurer of the county or corporation wherein the club-house of such corporation is located two dollars for each and every person a member of said corporation, which shall be in lieu of all other taxes upon such corporation for the sale, directly or indirectly, or the gift to its members of any wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits: provided, that the said tax to be paid by any one club shall not exceed the sum of three hundred and fifty dollars: and provided, further, that nothing in this section contained shall be construed to preclude any incorporated city or town from imposing a license tax not to exceed the amount of license charged by the Commonwealth upon any such club organized since April sixteenth, nineteen hundred and three, located within the corporate limits of such city or town that sells or dispenses wines, ardent

spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits.

Any such corporation shall not sell, directly or indirectly, any wines, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, to any person or persons unless such person be a member of said corporation, and be over twenty-one years of age.

The club-house of any corporation chartered and organized for a social club, which shall desire to keep on hand wines, ardent spirits, alcoholic bitters, bitters containing alcohol, or fruit preserved in ardent spirits, to be sold directly or indirectly, or given away to any member, shall not be located in the same building in which there is a duly licensed public bar.

The club-house shall be kept open with its usual and proper attendants and servants at least twelve hours per day, except Sunday: provided, that any such corporation which has its club-house at the seaside, or is used as a fishing or a hunting club, shall be kept open only in and during the proper season.

Such corporation, through its secretary and president, shall furnish once a month, under oath, to the county clerk or clerk of the corporation court in which the club-house is located, a list of its members, and shall furnish, under oath, once a year, immediately after its annual meeting, to said clerk a list of the officers for the ensuing year, which list shall at all times be open to public inspection.

Every such corporation shall charge and collect an entrance fee of not less than ten dollars, and dues of not less than one dollar per month.

Provided, further, that no corporation heretofore or hereafter chartered and organized as a social club which is located in any county, city, town, or district in which local-option or dispensary laws prevail, or in which license has been refused under section one hundred and forty-three of this act, or where no license has been granted under said section one hundred and forty-three, shall have the right to keep on hand at its club-house wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits to be sold directly or indirectly or to be given away to members of such corporation or to any one else, and no such social club shall be chartered hereafter carrying with such charter the right to keep on hand at its club-house wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, to be sold or given away, which is sought to be located in any county, city, town, or district in which local-option or dispensary laws prevail; nor elsewhere until and unless the judge of the court shall, in addition to the certificate required by section three of an act entitled "an act concerning corporations," certify to the corporation commission that, in his opinion, such charter should be granted, and that the granting of said charter would not be against sound public policy: provided, that each such social club shall at the time of granting its charter, and as a condition precedent to the dispensing of any such liquors, or any mixture thereof, enter into a bond in a penalty of two thousand dollars before the court of the county or corporation wherein such club is located, payable to the Commonwealth, and conditioned upon a faithful com-

pliance by such club with all of the provisions of this act, and with security deemed sufficient by such court. The failure on the part of any such said corporation to comply with any of the above provisions shall work a forfeiture of its charter, and the court or justice trying any case under this act shall, whenever a judgment or conviction is rendered against such social club, declare the charter of such corporation forfeited. The corporation shall have the right of appeal to the circuit court of the county or to the corporation or hustings court of the city wherein such club is located from the decision of the justice, and to the supreme court of appeals from the judgment of the circuit or corporation or hustings court where the cause is tried originally in such circuit or corporation or hustings court. And the court rendering a final judgment of forfeiture against such club shall so certify to the State corporation commission.

And the certificate of incorporation of every club hereafter created which intends to sell or dispense such liquors shall set out the exact location of the proposed club-house of such club, and such liquors, or any of them, or any mixtures thereof, shall be sold or dispensed at no other place or location than that specified in such certificate of incorporation.

Provided, further, that no charter shall be granted any corporation for a social club which does not clearly state in the application therefor whether or not it desires the privilege of dispensing at its club-house wines, ardent spirits, malt liquors, or any mixtures thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits.

2. This act shall be in force from its passage.

CHAP. 518.—An ACT appropriating the sum of ten thousand dollars for a statue of General J. E. B. Stuart, as pledged by an act approved March 28, 1903.

Approved December 31, 1903.

Whereas, the governor has transmitted to the general assembly of Virginia the certificate of Fitzhugh Lee, president of the Stuart Monument Association, that said association has raised the sum of ten thousand dollars; and,

Whereas, this general assembly has pledged itself to appropriate the sum of ten thousand dollars to said monument:

1. Be it enacted by the general assembly of Virginia, That the sum of ten thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated; and the auditor of public accounts is hereby directed to issue his warrant upon the treasurer of the State in favor of the president and treasurer of the Stuart Monument Association for said sum of ten thousand dollars.

2. This act shall be in force from its passage.

CHAP. 519.—An ACT to repeal sections 1532, 1535, 1536, 1537, 1539, and 1540 of the Code of Virginia, in relation to public free schools in cities and in towns constituting separate school districts.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and thirty-two, fifteen hundred and thirty-five, fifteen hundred and thirty-six, fifteen hundred and thirty-seven, fifteen hundred and thirty-nine, and fifteen hundred and forty of the Code of Virginia, in relation to public free schools in cities and in towns constituting separate school districts, be, and they are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 520.—An ACT to repeal sections 1440, 1480 of the Code of Virginia, as amended by an act approved January 14, 1890, and 1513 of the Code of Virginia, and to repeal an act approved May 15, 1903, entitled "an act to put into operation the provisions of the Constitution relating to the composition and organization of the State board of education; the election and appointment of its members; their qualifications; powers and duties of the board; expenses, etc."

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections fourteen hundred and forty, fourteen hundred and eighty of the Code of Virginia, as amended by an act approved January fourteenth, eighteen hundred and ninety, and fifteen hundred and thirteen of the Code of Virginia, and also an act entitled "an act to put into operation the provisions of the Constitution relating to the composition and organization of the State board of education; the election and appointment of its members; their qualifications; powers and duties of the board; expenses, et cetera," approved May fifteenth, nineteen hundred and three, be, and the same are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 521.—An ACT to amend and re-enact section 2562 of the Code of Virginia, as amended by an act approved February 23, 1898, in relation to jurisdiction of partition of lands.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and sixty-two of the Code of Virginia, as amended by an act approved February twenty-third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§ 2562. Jurisdiction of partition of land.—Tenants in common, joint tenants, and co-parceners shall be compellable to make partition; and a lien creditor or any owner of undivided estate in real estate may also compel partition for the purpose of subjecting the estate of his debtor or the rents and profits thereof to the satisfaction of his lien. Any court

having general equity jurisdiction of the county or corporation wherein the estate, or any part thereof, is, shall have jurisdiction in cases of partition, and in the exercise of such jurisdiction may take cognizance of all questions of law affecting the legal title that may arise in any proceedings, as well between tenants in common, joint tenants, and co-parceners as others.

2. This act shall be in force from its passage.

CHAP. 522.—An ACT to repeal an act approved January 23, 1896, in relation to waiver of a jury in misdemeanor cases.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved January twenty-third, eighteen hundred and ninety-six, entitled "an act giving a defendant in any case of misdemeanor the right to waive trial by jury," be, and the same is hereby, repealed.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 523.—An ACT to amend and re-enact sections 3605, 3614, and 3615 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-six hundred and five, thirty-six hundred and fourteen, and thirty-six hundred and fifteen of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3605. Interrogatories, answers, et cetera, to be returned to court.—The commissioner shall return the interrogatories and answers filed with him, and a report of the proceedings under the two preceding sections, to the court in which the judgment is, or if the judgment be of a justice, to the circuit court of the county or corporation court of the corporation in which such justice resides.

§ 3614. By whom and how suit brought to recover estate on which fieri facias, or judgment on which it issues, is a lien, or to enforce any liability in respect thereto.—For the recovery of any estate on which a writ of fieri facias is a lien under this chapter, or on which the judgment on which such writ issues is a lien under chapter one hundred and seventy-four, or for the enforcement of any liability in respect to any such estate a suit may be maintained, at law or in equity, as the case may require, in the name of the officer to whom such writ was delivered, or in the name of any other officer who may be designated for the purpose by an order of the court in which the judgment is, or if the judgment be of a justice, by an order of the circuit court of the county or of the corporation court of the corporation in which such justice resides. No officer shall be bound to bring such suit unless bond, with sufficient surety, be

given him to indemnify him against all expenses and costs which he may incur or become liable for by reason thereof. But any person interested may bring such suit at his own costs in the officer's name.

§ 3615. How and when officer receiving money under this chapter to make return thereof and pay net proceeds; how liable for failure.—An officer receiving money under this chapter shall, within thirty days thereafter, make return thereof to the court or the clerk's office of the court in which the judgment is, or, if it was rendered by a justice, to the circuit court of the county or to the corporation court of the corporation, or to the clerk's office of either in which such justice resides; and for failing so to do shall be liable as if he had acted under an order of said court. After deducting from said money a commission of five per centum and his necessary expenses and costs, including reasonable fees to counsel, he shall pay the net proceeds, and he and his sureties and their representatives shall be liable therefor, in like manner as if the same had been made under a writ of fieri facias on the judgment, returnable at the end of said thirty days.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 524.—An ACT to amend and re-enact sections 3584 and 3599 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-five hundred and eighty-four and thirty-five hundred and ninety-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3584. When writ of possession may issue; fieri facias for damages or profits and costs.—On a judgment for the recovery of specific property, real or personal, a writ of possession may issue for the specific property, which shall conform to the judgment as to the description of the property and the estate, title, or interest recovered, and there may also be issued a writ of fieri facias for the damages or profits, and costs. Writs of possession, in cases of unlawful entry and detainer, where the premises are located in cities or towns or in suburban or other lands which are subdivided into building lots for residential purposes, shall be made returnable within thirty days from the date of issuing the writ.

§ 3599. When and by whom executions may be quashed; how proceedings thereon stayed until motion to quash is heard.—The motion to quash an execution may, after reasonable notice to the adverse party, be heard and decided by the justice who issued the execution, or the circuit court of the county or the corporation court of the corporation in which such justice resides, and in other cases by the court whose clerk issued the execution, or if it was from a circuit or corporation court, by the judge thereof in vacation; and such court or judge, on the application of the plaintiff in the motion, may make an order staying the proceedings on the execution until the motion be heard and determined, the order not

to be effectual until bond be given in such penalty and with such condition, and either with or without surety, as the court or judge may prescribe. The clerk from whose office the execution issued, or the justice rendering the judgment, as the case may be, shall take the bond and make as many copies of the order as may be necessary and endorse thereon that the bond required has been given; and a copy shall be served on the plaintiff in the execution and on the officer in whose hands the execution is.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 525.—An ACT to amend and re-enact an act entitled “an act to prescribe a penalty for persons who, under the provisions of sections 3932 and 3934 of the Code of Virginia, are ordered to work in chain-gangs and escape, or attempt to escape, from the person in whose custody they lawfully are,” approved April 2, 1902.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to prescribe a penalty for persons who, under the provisions of sections thirty-nine hundred and thirty-two and thirty-nine hundred and thirty-four of the Code of Virginia, are ordered to work in chain-gangs and escape, or attempt to escape, from the person in whose custody they lawfully are,” approved April two, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That whenever any person who, under the provisions of sections thirty-nine hundred and thirty-two and thirty-nine hundred and thirty-four of the Code of Virginia, has been ordered to work in any chain-gang, shall escape, or attempt to escape, from the custody of the person in whose charge he may lawfully be, he may be pursued, captured, and retaken by any person, without warrant, at any time within five years, and carried before the judge of the circuit court of the county or corporation court of the corporation, either in term time or vacation, and upon a hearing of the complaint against him, if the said judge find him guilty of so escaping, or attempting to escape, he shall in every such case, as a penalty therefor, add one month to his term of labor in addition to the term for which he was originally sentenced.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 528.—An ACT to amend and re-enact sections 3618 and 3625 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-six hundred and eighteen and thirty-six hundred and twenty-five of the Code of Virginia be amended and re-enacted so as to read as follows :

§ 3618. How tenant unable to give forthcoming bond may have distress warrant returned to court and make defense thereto; when officer, in such case, to take possession of property levied on; its sale, when perishable or expensive to keep.—On affidavit by a tenant, whose property has been levied on under a warrant of distress, that he is unable to give the bond required in the preceding section, and that he has a valid defense under section thirty-six hundred and twenty-one, the officer levying the warrant shall permit the property to remain in the possession and at the risk of the tenant, and shall return the warrant, together with the affidavit, to the first day of the next term of the circuit court of his county or corporation court of his corporation, and thereupon the tenant may make such defense as he is authorized to make, under section thirty-six hundred and twenty-one, to an action or motion on the bond where one is given. If, however, after such affidavit is made, the claimant of the rent, or some one for him, shall give bond with sufficient surety, in a penalty double the value of the property levied on, with condition to pay all costs and damages which may accrue to any one by reason of his suing out said warrant, the officer shall take possession of the property and hold the same subject to the order of the court. If the property be perishable, or expensive to keep, the court, or the judge thereof in vacation, may order it to be sold, and on the final trial of the cause, the court shall dispose of the property, or proceeds of sale, according to the rights of the parties.

§ 3625. When justice may give judgment on forthcoming bond; how case moved to court when amount, exclusive of interest, exceeds twenty dollars.—A justice may, on motion, after ten days' notice of the time and place thereof, give judgment on any forthcoming bond taken by a constable or other officer upon a fieri facias issued by a justice. But in every case, when the amount actually due upon such bond, exclusive of interest, exceeds twenty dollars, the justice shall, upon the application of the defendant, and affidavit filed that he has a substantial defense to the bond, at any time before trial, remove the cause to the circuit court of the county or corporation court of the corporation wherein the writ of fieri facias was issued, and the clerk of the said court shall docket the same; and it shall be proceeded in as if it was a motion originally made in said court; and it shall not be discontinued by reason of no order being entered of its continuance from one day to another, or from one term to another.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 527.—An ACT to amend and re-enact section 3944 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and forty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3944. Inquisition, evidence, and so forth, to be returned to court; witnesses to be recognized.—The coroner shall return to the circuit court of his county or corporation court of his corporation the inquisition, written testimony, and recognizances by him taken; and if the jury find that murder, manslaughter, or assault had been committed on the deceased, shall require such witnesses as he thinks proper to give a recognizance to appear and testify at such court when it sits for the trial of the accused.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 528.—An ACT to amend and re-enact section 1608 of the Code of Virginia, as amended and re-enacted by chapter 268, acts of assembly, session 1902-'03, approved May 16, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section sixteen hundred and eight of the Code of Virginia, as amended and re-enacted by chapter two hundred and sixty-eight, acts of assembly, session nineteen hundred and two and nineteen hundred and three, approved May sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 1608. State female normal school continued; how vacancy in board of trustees filled.—The State female normal school for the training and education of white female teachers for public schools, established at Farmville, in the county of Prince Edward, shall be continued under the supervision, management, and government of the present trustees until the first day of July, nineteen hundred and four. Within six months preceding the day on which the terms of office of the trustees shall expire by limitation, as aforesaid, the governor, by and with the consent of the Senate, shall appoint to fill the vacancies so occasioned seven persons, who shall hold office from the first of July, nineteen hundred and four, for two years; and six persons, who shall hold office for four years from the first of July, nineteen hundred and four, and thereafter every two years and within six months preceding the day on which the terms of office, respectively, of the several members of the board will expire by limitation, as aforesaid, the governor, by and with the consent of the senate, shall appoint to fill the vacancy so to be occasioned persons whose terms of office shall be four years from that date. The said trustees shall be and remain a corporation under the style of the "State female normal school." The superintendent of public instruction shall be ex-officio a member of the board. Vacancies caused otherwise

than by the expiration of the term of office shall be filled by the governor for the unexpired term by appointments, which shall be subject to ratification or rejection by the senate at the next session of the general assembly.

2. This act shall be in force from its passage.

CHAP. 529.—An ACT to amend and re-enact sections 3955 and 3956 of the Code of Virginia, as amended by an act approved February 17, 1898, and by an act approved February 9, 1900, and by an act approved February 16, 1901, and section 3958 of the Code of Virginia, in relation to process for the arrest of persons charged with crime.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirty-nine hundred and fifty-five and thirty-nine hundred and fifty-six of the Code of Virginia, as amended by an act approved February seventeen, eighteen hundred and ninety-eight, and by an act approved February ninth, nineteen hundred, and by an act approved February sixteen, nineteen hundred and one, and section thirty-nine hundred and fifty-eight of the Code of Virginia, in relation to process for the arrest of persons charged with crime, be amended and re-enacted so as to read as follows:

§ 3955. Who may issue process of arrest.—A judge of a circuit or corporation court, in vacation as well as in term, or a justice, may issue process for the arrest of a person charged with an offense.

§ 3956. When it may issue; what to recite and require.—On complaint of a criminal offense to any such officer he shall examine, on oath, the complainant, and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by fine has been committed, he may, without formal complaint, issue a summons for witnesses, and shall examine such witnesses; and if he sees good reason to believe that an offense has been committed, shall issue his warrant reciting the offense, and requiring the person accused to be arrested and brought before a justice of the county or corporation, and in the same warrant may require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination: provided, that in cities and towns having a police force the warrant shall be directed "to any policeman of said city (or town)," and shall be executed by the policeman into whose hands it shall come or be delivered: and provided, further, in cities having a police justice all such warrants shall require the accused to be arrested and brought before such police justice.

Nothing contained in this section shall impair the provisions of the charter of any city or town which may provide for the issuance of process for the arrest of persons charged with offenses.

§ 3958. Before whom he shall be brought.—An officer arresting a person under a warrant for an offense shall bring such person before and return such warrant to a justice of the county or corporation in which the warrant issued, unless such person be let to bail, as hereinafter mentioned, or it be otherwise provided. In cities having a police justice the

officer making the arrest shall bring the accused before and return such warrant to such police justice.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 530.—An ACT to empower Samuel N. Hurst to publish new and revised editions of his annotated pocket Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That Samuel N. Hurst, attorney at law, be, and he is hereby, authorized and empowered to publish on his own account and at his own cost and expense, new and revised editions of his annotated pocket code of Virginia, the publication of which was authorized by an act of the general assembly approved February the second, eighteen hundred and ninety-eight: provided, that the said code shall not be larger than seven inches long by five inches wide, and the type used shall not be larger than brevier.

2. This act shall be in force from and after April the first, nineteen hundred and four.

CHAP. 531.—An ACT to amend and re-enact sections 2616 and 2620, as amended and re-enacted by an act approved February 23, 1888, and as further amended and re-enacted by an act approved March 5, 1888, and as further amended and re-enacted by an act approved April 2, 1902, and sections 2621 and 2622 of the Code of Virginia of 1887, so as to authorize and prescribe certain rules governing the leasing of the lands of infants or insane persons, and to repeal section 2617, and to amend and re-enact section 2625 of the Code of Virginia, as amended and re-enacted by an act approved February 5, 1896.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-six hundred and sixteen and twenty-six hundred and twenty, as amended and re-enacted by an act approved February twenty-third, eighteen hundred and eighty-eight, as further amended and re-enacted by an act approved March fifth, eighteen hundred and eighty-eight; as further amended and re-enacted by an act approved April second, nineteen hundred and two, and sections twenty-six hundred and twenty-one and twenty-six hundred and twenty-two of the Code of Virginia of eighteen hundred and eighty-seven, and section twenty-six hundred and twenty-five of the Code of Virginia, as amended and re-enacted by an act approved February fifth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 2616. If the guardian of any minor, or the committee of any insane person, think that the interests of the ward or insane person will be promoted by the sale of his estate, or estate in which he is interested with others, infants or adults, or if it be real estate, by an exchange of such real estate for other real estate, or by encumbering such real estate for

the purpose of borrowing money to be used to erect buildings or other improvements on the same; or if the trustee or trustees of any estate, or any person or persons interested in any estate in trust, whether he or they be interested with others or not, think the interest of those for whom the estate is held will be promoted by a sale of the whole or any part thereof; or, if it be real estate, by an exchange thereof for other real estate, or by encumbering such real estate for the purpose of borrowing money to be used to erect buildings or other improvements on the same; or if the same be real estate and such guardian, committee, trustee or trustees, person or persons interested in any estate in trust, think that the interest of such ward, insane person, or persons for whom such estate is held, will be promoted by the sale of the timber, coal, oil, gas, and minerals thereof, or of any or either of them; or if the same be real estate and such guardian, committee, or trustee or trustees, or person or persons interested in any such estate in trust think that the interest of such ward, insane person, or person or persons for whom the estate is held will be promoted by a lease of such real estate, or any part thereof, for a term of years, or by a lease of the coal, oil, gas, and minerals thereof, or of any or either of them, such guardian, committee, trustee or trustees, or beneficiary or beneficiaries, whether the estate of the minor, insane person, or of any of the persons interested, be absolute or limited, and whether there be or be not limited thereon any other estate, vested or contingent, and whether the guardian, committee, trustee or trustees, or the minor or insane person, or any of the persons interested, reside in this State or not, may, for the purpose of obtaining such sale, exchange, or encumbrance, or making such lease, file a bill in equity in the circuit court of the county or the circuit or corporation court of the corporation in which the estate proposed to be sold, exchanged, encumbered, or leased, or some part thereof, may be, stating plainly all the estate, real and personal, belonging to such infant or insane person, or so held in trust, and all the facts calculated to show the propriety of the sale, exchange, encumbrance, or lease.

The bill shall be verified by the oath of the plaintiff, and the infant or insane person, or of the beneficiary or beneficiaries in such trust, and the trustee or trustees (when not plaintiff or plaintiffs), and all others interested, shall be made defendants; and, also, where there is an infant or insane defendant, all those who would be his heirs or distributees if he were dead.

§ 2620. If it be clearly shown, independently of any admissions in the answers, that the interests of the infant, insane person, or beneficiaries in the trust, as the case may be, will be promoted, and the court is of opinion that the rights of no person will be violated thereby, it may decree a sale of said estate, or of any part thereof; or, if it be real estate, an exchange of the whole or any part thereof, for other real estate, or a sale or exchange of the timber, coal, oil, gas, and minerals thereof, or any or either of them, or a lease of such real estate, or of any part thereof, or a lease of the coal, oil, gas, and minerals thereof, or of any or either of them, for such term of years as the court may deem proper, taking for the purchase money, in case of a sale on credit, ample security; and if the sale be of real estate, retaining a lien thereon; or the

court may decree that the real estate may be encumbered for the purpose of borrowing money to be used to erect buildings or other improvements on said real estate upon such terms and conditions as may appear proper: provided, that in case of a lease on such real estate, or a lease of the coal, oil, gas, and minerals thereof, or of any or either of them, the contract of lease proposed to be executed by such guardian, committee, trustee or trustees shall, before being executed, be submitted to and approved by said circuit or corporation court: and provided, further, that when a decree is sought to encumber real estate by borrowing money to be used in erecting buildings or other improvements on same, the court shall first ascertain the present cash value of the real estate so sought to be encumbered, and so provide in its decree that, in event of a sale to pay off the amount of money borrowed, said value so ascertained (without interest) shall be preserved and paid over to the trustee or trustees, guardian, or committee, or to such person or persons as may at the time of the sale be authorized to receive it, and the surplus, or so much thereof as may be necessary, after paying costs of sale, and the said value of the real estate so ascertained shall be applied to the payment of the lien so created: provided, that in all cases where such property is encumbered as herein provided for, the rents and profits arising from the improvements placed on such real estate shall first be applied to the payment of the interest accruing upon the money so borrowed; and in event the life tenant shall fail to pay such accruing interest, the court may take charge of such property and sell or rent the same, as to it may appear proper: provided, further, that any exchange of lands heretofore decreed or ordered by court shall be as valid as if such exchange had been so decreed or ordered after the passage of this act.

§ 2621. At such sale the guardian, guardian ad litem, or committee, or trustee shall not be a purchaser, either directly or indirectly, nor shall such guardian, guardian ad litem, committee, or trustee be interested, directly or indirectly with the lessee under any such lease.

§ 2622. The proceeds of sale or rents, income, or royalties arising from such lease shall be invested, under the direction of the court, for the use and benefit of the persons entitled to the estate; and, in case of a trust estate, subject to the uses, limitations, and conditions contained in the writing creating the trust. But into whosoever hands said proceeds or said rents, income, or royalties shall be placed, the court shall take ample security, and from time to time require additional security if necessary, and make any other proper order for the faithful application of the fund and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent; but nothing herein contained shall prevent the court having charge of such rents, income, and royalties from applying at any time all or any portion thereof to the proper needs and requirements of any such ward or insane person; and after any such ward shall have arrived at the age of twenty-one years, or such insane person shall have been restored to sanity, the court may order that the entire amount of such rents, income, and royalties, or any part thereof, be paid over to him, regardless of such needs and requirements.

§ 2625. How right of dower of insane wife and curtesy of insane husband may be passed; same rights in purchase money to be secured to her or to him, or compensation made.—If the husband of an insane wife wish to sell real estate and to have her right of dower therein released to the purchaser, or if the wife of an insane husband wish to sell real estate and have his right of curtesy therein released to the purchaser, he or she, as the case may be, may petition for the purpose the circuit court of the county or circuit or corporation court of the corporation in which such estate, or some part thereof, is, to which petition such insane person and his or her committee, if there be one, shall be made parties defendant, and the court shall appoint a guardian ad litem to such insane defendant, who, as well as such committee, if there be one, shall answer the petition on oath; and if it appear to the court to be proper, an order may be made for the execution of such a release by a commissioner to be appointed by the court for that purpose, which release shall be effectual to pass her said right of dower or his right of curtesy, as the case may be, to the purchaser.

But the court shall make such order as in its opinion may be proper to secure to the insane wife or husband, as the case may be, the same interest in the purchase money and the income thereof that she or he would have had in the real estate and income thereof if it had not been sold, or, at the discretion of the court, to secure to her or to him, as the case may be, out of the purchase money, such sum in gross as in the court's opinion may be sufficient to compensate her for right of dower or him for right of curtesy.

2. Be it further enacted, That section twenty-six hundred and seventeen of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 532.—An ACT to amend and combine chapter 19 of the Code of Virginia, as amended, as to section 277 of said chapter, by act approved January 15, 1890, and by act approved January 16, 1892, and further amended by act approved May 13, 1903, and chapter 377 of the acts of assembly, extra session 1887, entitled "an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter 185 of the acts of assembly 1879-'80," approved May 23, 1887, as amended, as to section 10 of said act by act approved March 5, 1888, and by act approved February 5, 1892, and as amended, as to section 11 of said act, by act approved February 24, 1890, and by act approved February 9, 1894; and to consolidate and re-enact the same into chapter 19 of the Code of Virginia; and to repeal all acts and parts of acts in conflict therewith.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter nineteen of the Code of Virginia, as amended, as to section two hundred and seventy-seven of said chapter, by act approved January fifteenth, eighteen hundred and ninety, and by act approved January sixteenth, eighteen hundred and ninety-two, and further amended by act approved May thirteenth, nineteen hundred and three, and chapter three hundred and seventy-seven of the acts of assembly, extra session eighteen hundred and

eighty-seven, entitled "an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter one hundred and eighty-five of the acts of assembly eighteen hundred and seventy-nine and eighteen hundred and eighty, approved May twenty-third, eighteen hundred and eighty-seven, as amended, as to section ten of said act by act approved March five, eighteen hundred and eighty-eight, and by act approved February five, eighteen hundred and ninety-two, and as amended, as to section eleven of said act, by act approved February twenty-four, eighteen hundred and ninety, and by act approved February nine, eighteen hundred and ninety-four, be, and the same are hereby, amended, combined, consolidated, and re-enacted into chapter nineteen of the Code of Virginia so as to read as follows:

CHAPTER XIX.

Superintendent of Public Printing, and Joint Committee on Printing.

- § 270. Superintendent to supervise public printing and binding.
- § 271. His oath.
- § 272. What books he shall keep.
- § 273. How contracts for printing awarded; appeal from award.
- § 274. How contract for paper awarded; appeal from award.
- § 275. To supply officers with stationery, and so forth, and publish proclamations, advertisements, and so forth.
- § 276. Printing and binding done for senate and house.
- § 277. Printing of journals for senate and house.
- § 278. How bills, joint resolutions, and so forth, printed.
- § 279. Acts of assembly; printing and distribution.
- § 280. Printing of annual reports; their distribution; superintendent's responsibility for mechanical execution of State printing.
- § 281. Reports of the court of appeals.
- § 282. If printing not done satisfactorily, superintendent to employ another.
- § 283. Report of superintendent.
- § 284. Committee on printing.
- § 285. Clerk of superintendent.
- § 270. Superintendent to supervise public printing and binding.—The public printing and binding for the Commonwealth shall be under the supervision and control of the superintendent of public printing, whose duties shall be as herein prescribed, or as may be hereafter prescribed by law.
- § 271. His oath.—Before entering upon the discharge of his duties he shall, in addition to the oaths required to be taken by other officers of the Commonwealth, take an oath that he is a practical printer, and is skilled in and acquainted with the details of the printing business; that he will not in any manner, directly or indirectly, be interested in the contracts for the printing, binding, ruling, advertising, lithographing, and engraving let out by him, nor in any contract for paper or stationery purchased for the use of the State, and that he will not participate in the profits arising from the same. If he in any manner, directly or indirectly,

violate the provisions of this section, by being interested in any such contract, he shall be deemed guilty of a misdemeanor, and shall be prosecuted therefor; and if convicted, shall be fined not less than five hundred nor more than one thousand dollars, and shall be confined in jail not less than six months nor more than twelve months.

§ 272. What books he shall keep.—He shall keep the following books: A letter book, in which he shall keep his official correspondence; a record book, in which he shall enter in brief all accounts allowed by him for paper, printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, and expressage, and in which he shall record all his official transactions; an order book, in which he shall enter each order for printing, binding, ruling, lithographing, and engraving received by him from any department or officer of the State, with a brief description of the work, the date at which it was received, when and to which contractor delivered, and the kind and quantity of paper furnished therefor; a contract book, in which he shall record all contracts and bonds; receipt books, in which he shall enter all paper delivered to contractors, and take their receipt therefor; and a schedule book, exhibiting in detail the cost of all printing, binding, ruling, advertising, postage, drayage, expressage, lithographing, and engraving executed for each department or officer, and the quantity, cost per ream, and value of all paper used; which books shall at all times be open to the inspection of the governor, auditor of public accounts, secretary of the Commonwealth, or of any member of the general assembly.

§ 273. How contracts for printing awarded; appeal from award.—He shall, prior to the beginning of each fiscal year, let out to the lowest responsible bidder, experience and facilities possessed at the time of bidding considered, all the printing, binding, ruling, lithographing, and engraving required by any department of the State and authorized by law to be done, or required in the execution of any law, and shall give notice of the time and place of letting the said work, by advertisements published every other day for two weeks, in one newspaper of general circulation published in the city of Richmond, and in not less than two other newspapers of general circulation published in other cities of the State, and shall furnish all bidders, on application, with printed schedules on which to bid, specifying in detail the items required in the execution of the said work; which bids shall be opened at the time and place named in the advertisement in the presence of such bidders as see fit to attend. He may let out the work to different persons, and in such lots or portions as he may deem proper. In every case he shall require the party undertaking to do the work, or any part of it, to enter into a written contract stating distinctly the terms of the same, embracing the prices to be paid for composition, press work, folding, stitching, ruling, binding, and all other items in detail; always providing in contracts for printing that the printing is to be executed in a close and compact form, without unnecessary title pages or useless blank pages; and shall require the person or persons making such contract to enter into a bond with security in a penalty of at least double the amount contracted to be paid for the work, and conditioned for the faithful performance and execution of such contract; the security shall be approved by the secretary of the Commonwealth, and the form of the bond by the attorney-general. All such

contracts and bonds shall be recorded in the contract book kept by the superintendent of public printing for that purpose, and the original bond shall be filed in the office of the secretary of the Commonwealth. Any bidder feeling himself aggrieved by an award made by the superintendent of public printing may, during the session of the general assembly, appeal to the joint committee on printing; or, in vacation, to a board composed of the governor, auditor of public accounts, and secretary of the Commonwealth, which shall hear and determine the matters in said appeal, but notice of such appeal must be given the superintendent of public printing within ten days from the date of the award appealed from.

§ 274. How contracts for paper awarded; appeal from award.—He shall purchase from the lowest responsible bidder, after like advertisement as that prescribed in section two hundred and seventy-three, the paper required for the printing and binding let out by him, and may purchase the same at such times and in such quantities as he may deem proper, and furnish the same to the contractors for printing, binding, and ruling as it may be needed. The accounts for the purchase of paper, certified by him to be correct, shall be presented to the secretary of the Commonwealth, who shall certify the same to the auditor of public accounts, who shall grant a warrant therefor on the treasury. All contracts in relation to said paper shall be subject to and regulated by the provisions of the preceding section in relation to the contracts for public printing, and all appeals from decisions of the superintendent of public printing shall be heard and determined as are appeals in relation to the public printing and binding.

§ 275. To supply officers with stationery, and so forth, and publish proclamations, advertisements, and so forth.—He shall supply the executive, the auditor of public accounts, the second auditor, treasurer, secretary of the Commonwealth, attorney-general, register of the land office, and the corporation commission with letter-heads, note-heads, envelopes, blank books, and such other printing and binding as may be required by them in their several departments, and the clerks of the senate and house of delegates with blanks, and shall cause to be published in such newspapers as may be ordered proclamations and advertisements for the executive, treasurer, either auditor, register of the land office, attorney-general, corporation commission, and the clerk of either house of the general assembly. No printing or binding for the general or law libraries shall be paid out of the funds appropriated for public printing, except such as is specially provided for by law. All orders for printing, binding, ruling, lithographing, and engraving required by any department or officer shall be sent to the superintendent of public printing, who shall enter the same in the order book required to be kept by section two hundred and seventy-two of this act.

§ 276. Payment of bills for printing, binding, and so forth.—For all printing and binding done for or by the order of the senate or house of delegates, accounts certified by the superintendent of public printing to be correct and according to contract, shall, during the sessions of the general assembly, be presented to the president of the senate or the speaker of the house of delegates, as the case may be, who shall, if the

accounts are found to be correct, certify them to the auditor of public accounts, to be paid by him by warrant on the treasury; and if the general assembly be not in session, then such account so certified by the superintendent of public printing to be correct and according to contract shall be presented to the secretary of the Commonwealth, who shall, if the accounts are found correct, certify the same to the auditor of public accounts, to be paid by him by warrant on the treasury.

For all printing, binding, ruling, lithographing, advertising, engraving, wrapping, mailing, freight, postage, expressage, or stationery, or other material, done, expended for, or furnished to any department of the government, accounts certified by the superintendent of public printing to be correct and according to contract, shall be presented to the officer for whose department such work is done, expenditure made, or material furnished, who shall, if the accounts are found to be correct, certify the same to the auditor of public accounts, to be paid by him by warrant on the public treasury.

For all other printing, binding, ruling, lithographing, advertising, engraving, wrapping, mailing, freight, postage, expressage, or stationery, or other material, for the payment of which no provision is otherwise made, accounts certified by the superintendent of public printing to be correct and according to contract, shall be presented to the auditor of public accounts, and, if found to be correct, paid by him by warrant on the treasury.

§ 277. Printing of journals for senate and house; their distribution.—The superintendent of public printing shall superintend the execution of all printing done by order of the senate or house of delegates, or their respective clerks, and shall cause to be printed in octavo form five hundred copies each of the journals of the senate and house of delegates, and a like number of each document ordered by either house of the general assembly, two hundred copies of which shall be distributed, from time to time as they are printed, to the members of the general assembly, and to the heads of departments, one to each, and ten to the clerk of each house. The remaining three hundred copies of the journals and documents, with an index thereto, shall be bound in ordinary half binding and distributed by the superintendent of public printing as follows: One copy to each member of the general assembly and to each head of department, five copies to the clerk of each house, and the remainder shall be delivered to the secretary of the Commonwealth, of which fifteen copies shall be kept in the library, sixty shall be disposed of as the executive may direct, and the remainder shall be a part of the library fund.

§ 278. How bills, joint resolutions, and so forth, printed.—He shall cause to be printed in octavo form two hundred and fifty copies of every bill, joint resolution, or other matter ordered to be printed for the use of the senate or house of delegates and intended for temporary use, and in all fugitive work, such as resolutions, joint resolutions, house or senate bills making more than one page, there shall not be allowed on the first page thereof, between the folio line and the first line of the enacting clause, a space in excess of two and a half inches, which shall include the heading "a bill," or "resolution," or "joint resolution," the title to the same, the name of the patron, the report of the committee or committal

thereto, unless the title thereto be in excess of three lines, in which case the space in excess of two and a half inches shall be no more than is necessary to contain the additional lines contained in the title; and in all book or pamphlet printing except bills there shall not be allowed thicker leads or spaces than five to pica. In bills and resolutions the space between lines shall not be greater than small pica slugs.

§ 279. Acts of assembly; printing and distribution.—He shall cause to be printed in octavo form, as soon as approved by the governor, five thousand five hundred copies of the acts and joint resolutions of the general assembly, and shall distribute them as follows: Two copies to each member of the general assembly and five copies to the clerk of each house; one copy to each head of department, judge of this State, and the Commonwealth's attorney; one to each clerk of the corporation courts in this State, and one to the clerk of the circuit court of each county and corporation, and five copies to the corporation commission, from time to time as they are printed; the remainder he shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the general assembly, and as soon as practicable after the end of each session he shall deliver one copy to each head of department, and forward, by mail or express, or otherwise, five copies to each member of the general assembly; to every judge two copies, corporation commission five copies, and one copy to each mayor, clerk of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, commissioner of the revenue, justice of the peace, supervisor, and division superintendent of schools; one copy to every judge and clerk of any court held in this State under the laws of the United States, and to each attorney and marshal in this State holding office under the United States; five copies to the general library, and five copies to the law library; one copy to the university and to each college in the State; one to the board of directors of each State hospital; one to the school for the deaf and blind; one to the Virginia Military Institute; ten copies to the clerk of the senate for the use of the senate, and fifteen copies to the clerk of the house of delegates for the use of the house. The copies remaining after the distribution above provided for he shall deliver to the secretary of the Commonwealth to constitute a part of the library fund.

§ 280. Printing of annual reports; their distribution; superintendent's responsibility for mechanical execution of State printing.—It shall be the duty of the department chiefs and heads of institutions of the Commonwealth to furnish their annual reports to the officer to whom they are required to be made on or before the twentieth day of October of each year, who shall forthwith deliver them to the superintendent of public printing, whose duty it shall be to have them printed in accordance with section four of this chapter, and ready for distribution on the first Wednesday in December.

He shall have printed in octavo form and bound in one volume five hundred copies of each report, and distribute the same as follows: One copy to each member of the general assembly, two copies to each institution and head of department, one copy to the clerk of each court of the State, twelve copies to the library, ten copies to the clerk of the senate

for the use of the senate, and ten copies to the clerk of the house of delegates for the use of the house, one copy to the clerk of each circuit and corporation court, sixty copies shall be disposed of as the executive may direct, and the remainder shall constitute a part of the library fund; a like number of the reports of the corporation commission, including the reports of railroad companies made to them, and report of the superintendent of public instruction shall be printed in the same manner, but bound in separate volumes, and distributed as the other reports: provided, that the report of the secretary of the Commonwealth shall be printed and bound as provided by law and delivered to said secretary. In the printing of the reports provided for in this section, as in all classes of the State work, the officer preparing the report or other documents shall in all cases be responsible for the matter therein.

The department chiefs and heads of institutions shall carefully edit all copy for such reports or documents, and eliminate all unnecessary matter and matter that contains no information; and it shall be the duty of the superintendent of public printing, in making his contracts for the printing of the reports referred to in this section, to provide that the contractor shall print such additional copies of the said reports as may be desired by the institutions or officers making the reports, at such prices as may be agreed upon between the superintendent and contractor; the account for the same, when approved by the superintendent, shall be paid by the department or institution ordering said extra printing.

The superintendent of public printing shall be held responsible for the proper mechanical execution of the State printing.

§ 281. Reports of the court of appeals.—When the superintendent of public printing contracts for the printing and binding of current and future volumes of Virginia reports of the supreme court of appeals, he shall contract for the printing of so many copies of said volume or volumes as the secretary of the Commonwealth shall designate, not exceeding two thousand of each volume, and shall contract for the binding of such number of such volume as the secretary of the Commonwealth shall designate, and for the delivery of the residue of said unbound copies of said reports in sheets, boxed, and labeled as the said secretary of the Commonwealth may direct; and, from time to time, he shall contract for the binding of such unbound volumes by the direction of the secretary of the Commonwealth.

In contracting for the printing and binding of said reports he shall conform to the provisions of section two hundred and seventy-three in relation to other printing and binding, except that it shall be expressly stipulated in said contract that no payment for composition or press work shall be made until the whole has been completed and accepted, and that a like condition be made in regard to the binding.

§ 282. If printing not done satisfactorily, superintendent to employ another.—If any officer or department report to the superintendent any failure in the prompt and satisfactory execution of the printing, binding, ruling, or lithographing required by said officer or department, and in any case in which the superintendent is satisfied that the contractor has failed to comply with the stipulations of his contract, it shall be the duty of the superintendent to employ some other person to do the work, and he shall bring an action upon the bond of the defaulting contractor

for any loss which may be sustained by the State in consequence of such default as soon as the same can be ascertained.

§ 283. Report of superintendent.—The superintendent of public printing shall make an annual report to the governor, showing the cost of all printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, and expressage done for each department of the government, and the cost of all paper and stationery used; also, the cost of all paper and stationery purchased during the fiscal year, and the cost of that remaining on hand at the close of the said fiscal year, and of the aggregate amount expended during the fiscal year on account of the public printing.

§ 284. Committee on printing.—The joint standing committee on printing of the two houses of the general assembly shall have authority to supervise and give directions in all that relates to the public printing and binding, and all other subjects embraced in this act, and it shall be the duty of the said committee to examine the books of the office and investigate the transactions of the superintendent of public printing, and make a report to the general assembly at each regular session, and at such other times as the committee deems proper.

§ 285. Clerk of superintendent.—The superintendent of public printing shall have the authority to employ a clerk at such a salary as may be provided by law. The auditor of public accounts is hereby authorized to issue his warrant monthly on the treasurer, upon the certificate of the superintendent of public printing, for the payment of said clerk.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 533.—An ACT to amend and re-enact section 300 of the Code of Virginia, as amended and re-enacted by an act approved March 7, 1900, in relation to the active or volunteer militia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section three hundred of the Code of Virginia, as amended and re-enacted by an act approved March seventh, nineteen hundred, in relation to the active or volunteer militia, be amended and re-enacted so as to read as follows:

§ 300. Militia and reserve; active composed of volunteers.—First, the militia of this State shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the United States or of this State; but those who belong to religious societies whose tenets forbid the carrying of arms shall not be compelled to do so: provided, they pay an equivalent for personal service.

Second, the militia shall be classified as active militia and reserve militia. The active militia shall be composed of those militiamen who volunteer to be enrolled on the active list and are accepted and enrolled accordingly by the governor and commander-in-chief. They shall be styled Virginia volunteers, and shall be enlisted under oath in addition

to the oath prescribed by section three hundred and ten of the Code of Virginia, faithfully to serve the State in case of war, invasion, the prevention or suppression of invasion, the prevention or suppression of riots, and in aid of the civil officers in the maintenance and execution of the laws of the Commonwealth; in all of which cases they shall first be ordered into the service of the State. All other militia shall be classified as reserve militia, and shall not be required to muster in time of peace.

2. This act shall take effect ninety days after the adjournment of the general assembly.

CHAP. 534.—An ACT to amend and re-enact sections 1362, 1367, 1369, 1375, 1378, 1379, 1380, and 1390 of chapter 62 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections thirteen hundred and sixty-two, thirteen hundred and sixty-seven, thirteen hundred and sixty-nine, thirteen hundred and seventy-five, thirteen hundred and seventy-eight, thirteen hundred and seventy-nine, thirteen hundred and eighty, and thirteen hundred and ninety of chapter sixty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1362. Bond required of proprietor.—When any obligor in a bond given by a proprietor of any such ferry shall die, or the ownership of the ferry be changed, the circuit court of the county from which such ferry is may require a new bond to be given by the proprietor for the time being, or by some person for him, in the penalty of five hundred dollars, payable to the county, with one or more sufficient sureties, with condition that his boats or packets and other furniture shall be kept in such order and so navigated as in all things to conduce to the comfort and safety of passengers.

§ 1367. Special leave to ferry from Accomac or Northampton to Norfolk.—The circuit court of either of the said counties of Accomac or Northampton may, when it sees fit, grant leave to any person to transport persons or things from a harbor or creek in such county to the city of Norfolk, in a vessel of twenty-five tons burden, subject to all the preceding provisions of this chapter, except such as the court may dispense with. But before such leave is granted the proprietor of each ferry established from the county shall first be summoned to show cause against it.

§ 1369. Court may lease out ferries across Elizabeth river; how the money applied.—The circuit court of Norfolk county may lease out the ferries across Elizabeth river and the branches thereof, or may cause the same to be kept by an agent appointed by the court. Such agent or lessee shall, if required by the court, give bond to the county, with one or more sureties, in such sum and with such condition as the court may prescribe. The money received from the ferries mentioned in this section shall be applied toward lessening the county levy. But nothing in this

section shall interfere with the rights of the city of Norfolk in the act entitled "an act to authorize a ferry from the city of Norfolk to the corporation wharf in the town of Portsmouth," passed the twenty-second day of March, eighteen hundred and thirty-eight. This section is qualified by the three following sections.

§ 1375. Application for new ferry.—A person desiring to establish a ferry across any water course, whether it be a stream bounding the State or not, who owns, or has contracted for the use of, land at the point at which he wishes to establish the same, may, after publishing notice of his intention at the front door of the courthouse, on the first day of each of the two next preceding terms, apply to the circuit court of the county, or of one of the counties, in which he desires to establish such ferry, for leave to establish the same.

§ 1378. Proceedings, if water course divides two counties.—If, however, the said water course be such division line, and the court be of opinion that the application ought to be granted, it shall certify to the circuit court of the other county such opinion, with the number of hands and the number and kind of boats, and the rates of ferriage which it deems proper at the same. The applicant may then apply to the circuit court of such other county, after notice therein, as prescribed by section thirteen hundred and seventy-five, and said court, upon the report made to the other court, and any other proper evidence, may reject the application, or grant the same upon the terms prescribed by the other court.

§ 1379. How rates of ferriage increased or reduced.—An order for increasing the rates at any ferry may be made on the application of the proprietor thereof, after notice of the intended application shall have been published at the front door of the courthouse, on the first day of each of the two next preceding terms. And an order for reducing the rates at any ferry may be made after the proprietor thereof shall, under an order entered at one term, have been summoned to appear at the next term to show why such reduction should not be made. Such order, either for the increasing or reducing, may be made by the circuit court of the county in which the ferry is situated. Where a ferry is over a water course which is the division line between two counties, the order shall not take effect until it be made by the circuit court of each of the two counties.

§ 1380. Forfeiture of ferry.—If the proprietor of any ferry fail in any respect to comply with any section of this chapter, the circuit court of any county from which such ferry is established may adjudge and declare all his privileges in respect to such ferry at an end, after first causing the said proprietor to be summoned to show cause against such order.

§ 1390. How right to demand tolls ascertained, and rates fixed or changed.—No tolls shall be received for passing any such bridge until it shall appear to the circuit court of the county wherein the same is, that it is completed according to the act authorizing it. The court shall ascertain whether it is or is not so completed by appointing three disinterested freeholders to view it. If they report in writing that it is so completed, and their report be confirmed by the court, the person authorized

to erect it, his heirs or assigns, may thenceforth demand and receive, on persons and things passing the same, tolls at the rates fixed by such act, or if none be so fixed, then at such rates as may, from time to time, be fixed by the State corporation commission or by law. Though rates or toll be specified in such act, they may, from time to time, be changed by law, unless in the said act otherwise expressly provided.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 535.—An ACT to amend and re-enact sections 826, 831, 832, 833, 834, 835, 836, 838, 840, 841, 846, 847, 849, and 850, and to repeal section 839 of the Code of Virginia.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and twenty-six, eight hundred and thirty-one, eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-four, eight hundred and thirty-five, eight hundred and thirty-six, eight hundred and thirty-eight, eight hundred and forty, eight hundred and forty-one, eight hundred and forty-six, eight hundred and forty-seven, eight hundred and forty-nine, and eight hundred and fifty of the Code of Virginia, be, and the same are hereby, amended and re-enacted so as to read as follows:

§ 826. Their annual meetings.—The board of supervisors of the several counties shall assemble at their respective courthouses on the fourth Monday in July and the first Monday in January of each year, and at other times as often as it may be necessary.

§ 831. Board to recommend surveyor and superintendent of poor.—The board of supervisors of each county shall assemble at least ten days before the time fixed by law for the appointment of county surveyor and superintendent of the poor, and recommend to the circuit court suitable persons for those offices.

§ 832. Board to sit with open doors; sheriff to attend; his pay; majority to decide questions; how in case of tie.—It shall sit with open doors, and all persons conducting themselves in an orderly manner may attend its meetings.

It may require the sheriff of the county, or at his option, one of his deputies, to attend its meetings and preserve order, or discharge such other duties as may be necessary to the proper dispatch of the business before it; and such officer for his services shall be entitled to compensation, to be ascertained by the board and paid out of the county levy, not exceeding two dollars per day or twelve dollars per annum.

All questions submitted to the board for decision under the proceedings of this chapter, or any law of the State, shall be determined by a viva voce vote of a majority of the supervisors present; but in any case in which there shall be a tie vote of the board upon any question when all the members are not present, the question shall be passed by till the first meeting at which all the members are present, when it shall again be voted upon; in any case in which there shall be a tie vote on any ques-

tion, all the members of the board being present, the Commonwealth's attorney shall give the casting vote, and thereby decide the question.

Every decision and order so made shall be as binding and valid as if the same were determined and entered upon the vote of all or a majority of such board.

§ 833. Powers and duties of board at annual meeting.—The board of supervisors of each county shall have power, and it shall be their duty, at the regular meeting in the month of July in each year, or as soon thereafter as practicable—

First. To audit accounts and settle with officers.—To audit the accounts of the county; to settle with the county treasurer his accounts for the year; to settle with the sheriff his accounts upon the collection of fines or other moneys accruing and belonging to the county; to audit the accounts of the superintendent of the poor and examine and pass upon his reports, and generally to settle with any other officer who may have an account with the county, and take such steps as may be necessary to secure a full and satisfactory exhibit and settlement of the affairs of the county.

Second. To fix and order county levies.—To fix the amount of the county levies for the ensuing year; to order the levy on all property assessed with State tax within the county and on the capital invested, used, or employed in mercantile business; moneys and credits actively used and employed in carrying on the mercantile business, including goods, wares, and merchandise on hand, and all solvent bonds, demands, or claims made or contracted in the course of business during the preceding year shall be held to be capital in such mercantile business; to order the levy on the real estate and personal property of telegraph and telephone companies and railroad companies and their telegraph lines, which pass through their respective counties, except such as are exempt from county or other local taxes, based upon the assessment per mile made by the State for its purposes and furnished by the auditor of public accounts to said board; or the order of levy may be a certain per centum upon the amount of the State tax.

Third. To levy school taxes.—To levy a tax upon all the property in the county, upon which county levies are laid, sufficient to raise the amount recommended by the county school board in their estimates for county school purposes, or so much thereof as it may allow; and to levy a tax upon such property, in each school district, sufficient to raise the amount recommended by the county school board for district school purposes, or so much thereof as it may allow; but the tax so levied shall not exceed the maximum prescribed in the third subdivision of section fifteen hundred and six.

§ 834. What board may do at any meeting.—The board of supervisors of each county shall have power at their regular meetings, or at any other legal meetings—

First. To buy, sell, and so forth, corporate property; how sale made; provide farm for poor; control of courthouse.—To sell or exchange and convey the corporate property of the county; to purchase any such real estate as may be necessary for the erection of all necessary county buildings; to provide a suitable farm as a place of general reception for the poor of the county, and to make such orders as they may deem expedi-

ent concerning such corporate property as now exists, or as may hereafter be acquired: provided, that no sale of such corporate property shall be made, except by public auction, due notice of the time and place of which shall be given by publication, for at least once a week for four successive weeks, in some newspaper published in the county, if there be one so published, and by hand-bill posted at the front door of the courthouse. If there be no newspaper published in the country, the notice of the time and place of such sales shall be given by hand-bills posted at the front door of the courthouse, and at each voting place of the county, for at least four weeks prior to such sale; and all sales, exchanges, and purchases of corporate property made by the board shall be subject to the approval and ratification of the circuit court. It shall not be lawful for any supervisor of the county to be personally or pecuniarily interested, either directly or indirectly, in any such sale, exchange, or purchase of corporate property. The judge of the circuit court shall not act in any case in which he is interested in the sale or purchase of the property. But this section shall not be construed to deprive the judge of the right to control the use of the courthouse of the county during the term of his court therein.

Second. Allow claims and issue warrants therefor; interest not allowed on warrants.—To examine, settle, and allow all accounts chargeable against such county, and when so settled issue warrants therefor, as provided by law; but the board of supervisors of any county shall not issue in any one year a greater amount of warrants than the amount of county tax levied for such year, and no interest shall be paid by any county on any county warrant.

Third. Build and repair buildings.—To build and keep in repair county buildings.

Fourth. Provide temporary offices, when necessary; insure buildings, fix allowances to officers.—To cause the county buildings to be insured in the name of the board of supervisors of said county and their successors in office for the benefit of the county, if they shall deem it expedient, and if there are no public buildings, to provide temporarily suitable rooms for the county purposes; to determine what annual allowances, not less in any case than three hundred dollars, payable out of the county treasury, shall be made severally to the attorney for the Commonwealth, clerks and sheriffs of their respective counties, so that in counties containing a population of ten thousand and less the allowance to each of said officers shall not exceed four hundred dollars; in counties containing ten and less than fifteen thousand, five hundred dollars; in counties containing fifteen and less than twenty thousand, six hundred dollars, and in counties of more than twenty thousand, seven hundred dollars: provided, however, that in the counties of Henrico, Wise, and Elizabeth City the annual allowance for the attorney for the Commonwealth shall be fixed at a sum not exceeding one thousand dollars; in the county of Norfolk at a sum not exceeding fifteen hundred dollars, and in the county of Russell at a sum not exceeding seven hundred and fifty dollars: and provided, further, that in the counties of Henrico and Chesterfield the annual allowance for the county clerk shall be fixed at a sum not exceeding one thousand dollars, and in the county of Elizabeth City at a sum not exceeding eighteen hundred dollars: and provided, further,

that in the counties of Henrico and Norfolk and Pittsylvania the annual allowance for sheriff shall be fixed at a sum not exceeding fifteen hundred dollars, in the county of Elizabeth City at a sum not exceeding twelve hundred dollars, and in the county of Chesterfield at a sum not exceeding seven hundred and fifty dollars.

Fifth. Raise money for county expenses.—To direct the raising of such sums of money as may be necessary to defray the county charges and expenses and all necessar charges incident to or arising from the execution of their lawful authority.

Sixth. Protect county property; employ assistant counsel.—To represent the county, and to have the care of the county property and the management of the business and concerns of the county, in all cases where no other provision shall be made, and, when necessary, to employ counsel to assist the attorney for the Commonwealth in any suit against the county, or in any matter affecting county property where the board is of opinion that such counsel is needed.

Seventh. Award premiums for scalps.—To award, in their discretion, a premium not exceeding ten dollars for each wolf scalp; one dollar and fifty cents for each scalp of wild cat, catamount, or red fox; seventy-five cents for each scalp of gray fox, and fifty cents for each scalp of chicken hawk or owl, except screech owl, upon satisfactory evidence that the same were, respectively, killed within the limits of the county and by the person in whose behalf the same may be presented, to be paid on warrant of said board on the county treasurer.

Eighth. Provide subsistence in time of want.—To provide, under such regulations as the board may prescribe, means of subsistence for those threatened with starvation and unable to provide for themselves, and to make an order for all levies necessary to carry out this provision. All contracts for this purpose shall be reduced to writing, signed by the chairman, and be evidence against the county.

§ 835. Levy for court allowances.—It shall be the duty of the clerks of the circuit courts to furnish to the supervisors of their counties, on or before the day on which they meet, to make the county levy, copies of all orders and allowances made by their respective courts, payable out of the county treasury; and it shall be the duty of the supervisors to make a levy for the payment of all such orders and allowances as the courts by law may be authorized to make.

§ 836. Claims to be itemized; attorney for Commonwealth to represent county; appeal from allowance of claim.—No account shall be allowed by the board of supervisors unless the same shall be made out in separate items, and the nature of each item specifically stated; and where no specific fees are allowed by law, the time actually and necessarily devoted to the performance of any service charged in such account shall be verified by affidavit, to be filed therewith. The attorney for the Commonwealth shall represent the county before said board; and it shall be his duty to resist the allowance of any claim which is unjust, or not before the board in proper form and upon proper proof, or which for any other reason ought not to be allowed; and when any claim has been allowed by said board against the county, which, in the opinion of said attorney, is improper or unjust, or from which he shall be required to ap-

peal by any six freeholders of the county, the said attorney shall appeal from the decision of such board to the circuit court of said county, causing a written notice of such appeal to be served on the clerk of such board and the party in whose favor the said claim is allowed, within thirty days after the making of such decision.

§ 838. Appeal from disallowance of claim.—When a claim of any person against a county is disallowed in whole or in part by the board of supervisors, if such person be present, he may appeal from the decision of the board to the circuit court of said county within thirty days from the date of said decision; if he be not present, it shall be the duty of the clerk of the board to serve a written notice of the disallowance on him or his agent, and in that case he may appeal to the said court from the decision within thirty days after service of such notice: provided, that in no case shall the appeal be taken after the lapse of six months from the date of the decision. Such appeal may be taken by causing a written notice thereof to be served on the clerk of the board and executing a bond to such county, with sufficient surety to be approved by the clerk, with condition for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

§ 840. When no appeal allowed.—No appeal shall be allowed to the circuit court unless the claim exceeds ten dollars.

§ 841. Supersedeas to order for levy.—When any order for a levy is made by the board of supervisors, which, in the opinion of the attorney for the Commonwealth, is illegal, or from which he shall be required to appeal by any six freeholders of the county, the said attorney shall appeal therefrom, within thirty days after such order is made, to the circuit court of said county, and such appeal shall operate as a supersedeas. Without waiting the final decision of the appeal, the board may rescind its order and order a levy according to law; or if the court shall, on the hearing of the appeal, be of the opinion that the order is contrary to law, it shall reverse the same and direct the said board to enter such order as to the court may seem right. If money be collected under any such order, which is afterward rescinded or reversed, the treasurer shall forthwith repay such money to the person from whom it was collected. If he fail so to do, a motion may be made and judgment obtained, in like manner as in cases provided in section eight hundred and sixty-three.

§ 846. Board to provide books, seals, and so forth, for clerks and treasurer.—The board of supervisors shall, at the expense of the county, provide suitable books and stationery for the use of the clerk of their board, the county treasurer, the county clerk, and the clerk of the circuit court, together with appropriate cases and other furniture, for the safe and convenient keeping of all the books, documents, and papers in the custody of each of said officers, and also official seals for each of said officers, where the same are required by law.

§ 847. Statement of receipts and expenditures to be posted or published.—The board of supervisors shall cause to be made out annually, immediately after their meeting at which the county levy is made, a statement showing the aggregate amount of the receipts and expenditures of the year next preceding; also, a statement showing the aggregate

amount allowed for the next succeeding year to the officers of the county, and for incidental and necessary expenses of the county, in form as follows:

"To sheriff of the county	\$
To the county clerk	\$
To the Commonwealth's attorney for the county	\$
To the treasurer of the county	\$
To members of the board of supervisors	\$
To registrars	\$
To superintendent of the poor	\$
To judges of elections	\$
To clerks of elections	\$
For building bridges	\$
For overseers of roads	\$
For damages in opening roads	\$
For support of the poor	\$"

And an itemized statement of incidental expenses of the county, not embraced by either of the foregoing items.

A copy of such statement shall be posted at the front door of the courthouse and at each voting place in the county, and published in one or more newspapers of the county or adjoining county or city, as the board may direct.

And each member of the board of supervisors who fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

§ 849. Clerk of board; his general duties.—The county clerk shall be ex-officio clerk of the board of supervisors. It shall be his general duty—

First. To record in a book to be provided for that purpose all the proceedings of the board.

Second. To make regular entries of all their resolutions and decisions on all questions concerning the raising of money; and within five days after any order for a levy is made, to deliver a copy thereof to each commissioner of the revenue of his county.

Third. To record the vote of each supervisor on any question submitted to the board, if required by any member present.

Fourth. To sign all warrants issued by the board for the payment of money, and to record, in a book provided for the purpose, the reports of the county treasurer of his receipts and disbursements.

Fifth. To preserve and file all accounts acted upon by the board, with their action thereon; and he shall perform such special duties as are required of him by law.

§ 850. To endorse on claims amount allowed; to furnish copy of any record, and so forth.—It shall be the duty of the clerk to endorse upon every account, on which any sum shall be audited and allowed by the board, the amount so audited and allowed and the charges for which the same was allowed; and he shall also deliver, to any person who may demand it, a certified copy of any record in his office, or of any account

therein, on receiving from such person the fees allowed to the clerk of the circuit court for similar services.

2. That section eight hundred and thirty-nine of the Code of Virginia, and all acts or parts of acts in conflict with this act, are hereby repealed.

3. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 536.—An ACT to authorize parties planting oysters on ground rented from the State to erect piers, docks, or watch-houses on the same.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That any person holding planting ground rented from the State be, and is hereby, authorized to erect a pier, dock, or watch-house for the purpose of handling or watching oysters: provided, however, that it shall not obstruct navigation, nor otherwise injure the private rights of any person, company, or corporation, and shall be subject to the laws of the State governing wharves, piers, or docks: and provided, further, that this act shall not apply to any grounds lying in front of and adjacent to the cities of the Commonwealth.

2. This act shall be in force from its passage.

CHAP. 537.—An ACT to amend and re-enact subsection (f) of section 2, chapter 2, of an act entitled "an act concerning corporations," which became a law May 21, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That subsection (f) of section two, chapter two, of an act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, be, and the same is hereby, amended and re-enacted so as to read as follows:

(f) In the event the said corporation cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, sand, earth, gravel, water, or other material necessary to be taken and used in the construction, maintenance, operation, or improvement of said railroad, or in the straightening of its line or change of its location, or in constructing or providing depots, stations, shops, yards, terminals, or additional tracks or facilities, or for other necessary railroad purposes, it may proceed for the condemnation thereof in the manner and under the restrictions prescribed by the general statutes of this State relative to the condemnation of lands: provided, however, that such corporation shall not take, by condemnation proceedings, a strip of land for its right of way wider than one hundred feet, except at places

where more land is required for slopes, ditches, cuts, tunnels, embankments, or for the improvement or straightening of its line, or change of location, or for drainage, or for depositing waste material.

2. This act shall be in force from and after its passage.

CHAP. 538.—An ACT to repeal an act approved July 28, 1902, entitled “an act to provide for the appointment of registrars for the several towns in the Commonwealth,” and to repeal an act approved March 2, 1903, entitled “an act to amend and re-enact section 1022 of the Code of Virginia, in relation to registrars and judges of election for the towns of this State.”

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved July twentieth, nineteen hundred and two, entitled “an act to provide for the appointment of registrars for the several towns in the Commonwealth,” and an act approved March second, nineteen hundred and three, entitled “an act to amend and re-enact section one thousand and twenty-two of the Code of Virginia, in relation to registrars and judges of election for the towns of this State,” be, and the same are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 539.—An ACT to amend and re-enact an act entitled “an act to require the judges of county and corporation courts to set criminal cases for trial,” approved February 24, 1890, and make it apply to judges of circuit courts.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to require the judges of county and corporation courts to set criminal cases for trial,” approved February twenty-four, eighteen hundred and ninety, shall be amended and re-enacted so as to read as follows:

It shall be the duty of the judge of each circuit and corporation court to fix a day of his court when the trial of criminal cases will commence, and to make such general or special order in reference thereto, and to the summoning of witnesses, as may seem proper; but this act shall not be so construed as to deprive the court of the right to proceed with the trial of any case at the same term at which an indictment is found: provided, the defendant is in actual custody or out on bail.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 540.—An ACT to amend and re-enact section 2048 of the Code of 1887, as amended by act of the general assembly approved February 26, 1896, as amended by an act approved March 7, 1900, so as to provide how the present existing fence law in any county, magisterial district, or selected portion of any county, other than such as now have the no-fence law, may be changed by the board of supervisors of such county.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section twenty hundred and forty-eight of the Code of eighteen hundred and eighty-seven, as amended by act of the general assembly, approved February twenty-six, eighteen hundred and ninety-six, as amended by an act approved March seven, nineteen hundred, be amended and re-enacted so as to read as follows:

§ 2048. The board of supervisors of any county in this State in which, or in any magisterial district, or selected portion of which, any kind of fence is now required by law, after posting a notice of the time and place of meeting for thirty days, at the front door of the courthouse and at each voting place in the county, and by publishing the same once a week for four successive weeks in some newspaper of such county, if any be published therein, a majority of the board being present and concurring, may declare the boundary lines of each lot, or tract of land, or any stream in such county, or in any magisterial district thereof, or in any selected portion of such county, to be a lawful fence as to any or all of the animals mentioned in section two thousand and forty-two of the Code of eighteen hundred and eighty-seven, or may declare any other kind of fence for such county, magisterial district, or selected portion of the county, than as prescribed by section two thousand and thirty-eight of the Code of eighteen hundred and eighty-seven, as amended by act of the general assembly approved March twenty-fifth, nineteen hundred and two, to be a lawful fence as to any or all of the said animals; and the board of supervisors of any such county shall, upon petition of a majority of the qualified voters of any election district, declare the boundary lines of each lot or tract of land in such election district to be a lawful fence as to such of the animals named in section two thousand and forty-two of the Code as may be named in the petition; or, if a majority of the qualified voters of any election district thereof shall desire any other kind of fence than as prescribed by section two thousand and thirty-eight of the Code, as amended by the said act of March twenty-fifth, nineteen hundred and two, to be established as a lawful fence for such election district, and shall sign and present to the board of supervisors a petition setting forth the kind of fence desired, the said board of supervisors shall thereupon declare the kind of fence described in such petition to be a lawful fence for such election district as to such of the animals mentioned in section two thousand and forty-two of the Code of eighteen hundred and eighty-seven as shall be named in the petition; and the boundaries of each lot or tract of land, or stream, the kind of fence prescribed by the board, or the kind of fence described in said petition, as the case may be, shall constitute a lawful fence as to the said animals, or such of them as may be named, after six months from the time of such action by the board, and to such extent section two thou-

sand and thirty-eight shall be inoperative from and after the said six months.

2. Provided, that nothing contained in this act shall relieve any railroad company of any duty or obligation imposed on every such company by section twelve hundred and fifty-eight of the Code of Virginia, as amended by chapter three hundred and seventy-three of the acts of the general assembly of Virginia, session eighteen hundred and ninety-nine and nineteen hundred, approved February fifteenth, nineteen hundred, or imposed by any other statute now in force in reference to fencing their lines of railway and right of way: provided, further, that nothing herein contained shall authorize or require the board of supervisors to declare a more stringent fence as a lawful fence for any county, magisterial district, or selected portion of the county, than as prescribed by said section twenty hundred and thirty-eight, as amended by the said act of March twenty-fifth, nineteen hundred and two: provided, further, that this act shall not repeal the present existing fence law in any county, magisterial district, or selected portion of any county, until changed by the board of supervisors in accordance with the provisions hereof: and provided, further, that the provisions of this act shall not apply to any county, magisterial district, or selected portion of any county, in which the no-fence law is now in force.

3. This act shall be in force from its passage.

CHAP. 541.—An ACT to amend and re-enact an act entitled "an act to amend and re-enact section 3385 of the Code of Virginia, so as to authorize the signing of bills of exception, either in term time or vacation," approved February 15, 1901, so as to make the same apply to criminal as well as civil cases.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and eighty-five of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 3385. Bill of exceptions.—In the trial of a case at law, in which an appeal, writ of error, or supersedeas lies to a higher court, a party may except to any opinion of the court, and tender a bill of exceptions, which (if the truth of the case be fairly stated therein), the judge shall sign, and it shall be a part of the record of the case. Any bill of exceptions may be tendered to the judge, and signed by him, either during the term at which the opinion of the court is announced, to which exception is taken, or in vacation, within thirty days after the end of such term, or at such other time as the parties, by consent entered of record, may agree upon, and any bill of exceptions so tendered, and signed by the judge as aforesaid, either in term time or vacation, shall be a part of the record of the case. This act shall apply to criminal as well as civil cases.

2. This act shall be in force from its passage.

CHAP. 542.—An ACT to provide for the appointment of police justices and their jurisdiction in cities of a population of ten thousand or over, in which, by the terms of their charters, no provision is made for the election or appointment of police justices.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That there shall be appointed by the corporation or hustings court, or the judge thereof in vacation, one police justice for each city of a population of ten thousand and over, in which, by the terms of its charter, no provision is made for the appointment or election of a police justice. The police justices so appointed shall hold office for the term of four years, and until their successors are appointed and qualified, and shall be conservators of the peace within the corporate limits of the city for which they are appointed, respectively, and within one mile beyond the corporate limits of such cities, and within such limits shall have exclusive original jurisdiction for the trial of all offenses against the ordinances of the respective cities for which they shall be appointed, and shall have concurrent jurisdiction with the corporation or hustings courts of such cities in all cases of violations of the revenue laws of the State, and of offenses arising under the provisions of chapter one hundred and eighty-seven, and of sections thirty-eight hundred and one, thirty-eight hundred and two, thirty-eight hundred and three, and thirty-eight hundred and four of the Code of Virginia, and except when it is otherwise specially provided shall have exclusive original jurisdiction for the trial of all other misdemeanor cases occurring within their jurisdiction; and in addition thereto, shall, in all offenses against the laws of this Commonwealth, possess the jurisdiction and exercise all the powers conferred upon justices of the peace and police justices by the laws of this State, in all of which cases the punishment may be the same as the mayor of any such city, or the corporation or hustings court thereof, are authorized to impose. There shall be an appeal from the judgment of such police justice to the corporation or hustings court of the corporation, as now or hereafter provided by law from the judgments of justices of the peace or police justices: provided, that no such appointment shall be made in any city whereby the present terms of its charter, the jurisdiction, and powers conferred upon police justices by this act, are conferred upon the mayor of such city, unless the council thereof shall by resolution request that such appointment be made.

2. The first appointment under the provisions of this act shall be made in the month of January, nineteen hundred and four, and the police justices first appointed shall enter upon the discharge of their duties on the first day of February, nineteen hundred and four, and their successors shall be appointed in like manner in the month of January, nineteen hundred and eight, and every four years thereafter, and the terms of their office shall commence on the first day of February next succeeding their appointment.

3. The police justices appointed under the provision of this act shall be paid a salary out of the treasury of the city for which they shall be appointed, and the councils of such cities shall make provision therefor, and such police justices shall receive no other compensation for their

services. The salaries of the said police justices shall not be less than seven hundred and twenty dollars in cities of ten thousand population and not over twenty thousand population; nine hundred dollars in cities of over twenty thousand and not over thirty thousand population; and twelve hundred dollars in cities over thirty thousand population.

4. In case of a vacancy caused by the death, resignation, or removal of any police justice appointed under the provisions of this act, such vacancy shall be filled by appointment in the manner provided by section one of this act, and such appointee shall hold office for the unexpired term, unless sooner removed, and until his successor has been duly appointed and qualified.

5. Any such police justice may be suspended or removed from office by the corporation court of the city for which he is appointed, for malfeasance, misfeasance, incompetency, or gross neglect of official duty. All proceedings under this section shall be by order of and on motion before the proper court, upon reasonable notice to the officer to be affected thereby. And such officer shall have the right to demand a trial by jury.

6. In case of the sickness or inability of any such police justice to discharge the duties of his office, or if he is so situated as to render it improper for him to preside at any trial, the corporation or hustings court, or the judge thereof in vacation, shall, by order entered of record, designate some other justice of said city to act in his place.

7. This act shall be in force from its passage.

CHAP. 543.—An ACT to amend and re-enact subsection (f) of section 2 of chapter 3 of an act entitled an act concerning corporations, which became a law May 21, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That subsection (f) of section two, chapter three, of an act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, be, and the same is hereby, amended and re-enacted so as to read as follows:

(f) In the event the said corporation cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, sand, earth, gravel, water, or other material necessary to be taken and used in the construction, maintenance, operation, improvement, or straightening of the line or works, or change of location of the line or works, of any such corporation, or in constructing or providing additional facilities, or for other necessary purposes, it may proceed for the condemnation thereof in the manner and subject to the limitations provided by the general statutes of this State relative to the condemnation of land: provided, however, any such canal or turnpike corporation shall not take by condemnation proceedings a strip of land for its right of way wider than one hundred feet, except at places where more land is required for

slopes, cuts, tunnels, embankments, terminals, or for the improvement or straightening of its line, or for other necessary purposes, or change of location: and provided, further, no corporation chartered under this chapter shall take by condemnation proceedings any more land or other property than is required for its line or works, or for the improvement or straightening of its line, or change of location, as aforesaid, or for other necessary purposes.

2. This act shall be in force from its passage.

CHAP. 544.—An ACT to authorize Brookland school district, of Henrico county, to borrow \$10,000 and issue bonds therefor, to be used for the erection of a school-house at Barton Heights.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That Brookland school district, of Henrico county, be, and the same is hereby, authorized to borrow a sum of money not exceeding ten thousand dollars, for the purpose of erecting a school building at Barton Heights, in said district, and to issue bonds therefor, payable out of the school funds of said district.

2. This act shall be in force from its passage.

CHAP. 545.—An ACT to amend section 2 of an act of the general assembly approved May 5, 1903, entitled an act to amend and re-enact section 2086 of the Code of Virginia, with several amendments thereto, so far as it relates to the counties of King George and Stafford.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That section two of an act of the general assembly of Virginia, approved May fifth, nineteen hundred and three, amending section twenty hundred and eighty-six of the Code of Virginia, with several amendments thereto, be further amended and re-enacted so as to read as follows:

§ 2. "Every such resident who shall apply for such license to catch or take fish from the waters of the Commonwealth, or the waters within the jurisdiction of the Commonwealth, in addition to the fee aforesaid, shall pay to the oyster inspector of such district a specific license tax, which shall be in lieu of all taxes levied upon such persons, for taking and catching fish, or for selling the products thereof, as follows: On each sail vessel fishing with purse nets, of not more than four hundred meshes deep, five dollars; on each sail vessel fishing with purse net of more than four hundred meshes deep, twenty-five dollars; on each steam vessel fishing with purse net, one hundred dollars; on each pound net, three dollars; on each fyke, weir, or other fixed device, or gill nets used in shad and herring fishing for market or profit, one dollar, and on each haul seine, hauled by windlass, horse or mule power, or other power than

hand or steam, five dollars; on each haul seine operated by steam power, ten dollars":

Provided, that in the counties of King George and Stafford any pound, fyke, or weir set in water less than six feet in depth shall be assessed a license tax of one dollar—twenty-five cents of which shall go to the inspector in full of his fees.

2. This act shall be in force from its passage.

CHAP. 546.—An ACT to amend and re-enact sections 3630 and 3636 of the Code of Virginia.

Approved January 1, 1904.

1. Be it enacted by the general assembly of Virginia, That sections thirty-six hundred and thirty and thirty-six hundred and thirty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3630. Exemption to householder from liability for his debts of property of the value of two thousand dollars; in what cases not allowed.—Every householder or head of a family residing in this State shall be entitled, in addition to the property or estate which he is entitled to hold exempt from levy, distress, or garnishment under sections thirty-six hundred and fifty, thirty-six hundred and fifty-one, and thirty-six hundred and fifty-two, to hold exempt from levy, seizure, garnishment, or sale under any execution, order, or process issued on any demand for a debt or liability on contract hereafter contracted, his real and personal property, or either, to be selected by him, including money and debts due him, to the value of not exceeding two thousand dollars: provided, that such exemption shall not extend to any execution order or other process issued on any demand in the following cases:

First. For the purchase price of said property or any part thereof. If the property purchased and not paid for be exchanged for or converted into other property by the debtor, such last named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this section.

Second. For services rendered by a laboring person or mechanic.

Third. For liabilities incurred by any public officer or officer of a court, or any fiduciary, or any attorney at law for money collected.

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six.

Fifth. For rent.

Sixth. For the legal or taxable fees of any public officer or officer of a court.

Seventh. Said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

But this act shall not invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution, or impair in any manner the right of any householder or head of a family existing at

the time that the present Constitution went into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution: provided, that such right, if hereafter exercised, be not in conflict with the exemption set forth in sections one hundred and ninety and one hundred and ninety-one of the present Constitution.

But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under the present Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars.

§ 3636. If not set apart by householder in his lifetime, how widow and minor children may have it done.—If no real estate or not so much as the householder may have been entitled to set apart has been so set apart by him in his lifetime, upon his death his widow and minor children, or such of them as there may be, on petition to the circuit court of the county or to any city court of the city wherein his real estate or the greater part thereof is, may have so much thereof set apart by commissioners appointed by the court as the said householder might have set apart in his lifetime, to be held by them as it would have been under the preceding section if it had been so set apart.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 547.—An ACT to amend and re-enact chapter 18 of the Code of Virginia, in relation to the duties of the secretary of the Commonwealth and concerning the State and certain other libraries, as amended by an act approved March 4, 1890, entitled “an act to amend section 256 of the Code, relating to historical works and relics, and to repeal sections 257 and 258 of said Code”; and by an act approved January 22, 1892, entitled “an act to amend and re-enact section 246 of the Code of Virginia, in reference to the distribution of the Virginia reports”; and by an act approved January 24, 1894, entitled “an act to amend and re-enact section 250 of the Code of Virginia, providing for donations to universities and colleges having law schools”; and by an act approved February 19, 1894, entitled “an act to amend and re-enact section 246 of the Code of Virginia, with reference to furnishing the report to reporter and judges”; and by an act approved March 4, 1896, entitled “an act to amend section 246 of chapter 18, Code of Virginia, as amended by an act approved February 19, 1894, in relation to the secretary of the Commonwealth furnishing reports of the decisions of the court of appeals,” and to repeal an act approved May 15, 1903, in relation to the maintenance and management of the State library, and an act approved May 16, 1903, relative to the duties of the secretary of the Commonwealth.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That chapter eighteen of the Code of Virginia, as amended and re-enacted by an act approved March fourth, eighteen hundred and ninety, entitled “an act to amend section two hundred and fifty-six of the Code, relating to historical works and relics, and to repeal sections two hundred and fifty-seven and two hundred and fifty-eight of said Code”; and by an act ap-

proved January twenty-second, eighteen hundred and ninety-two, entitled "an act to amend and re-enact section two hundred and forty-six of the Code of Virginia, in reference to the distribution of the Virginia reports"; and by an act approved January twenty-fourth, eighteen hundred and ninety-four, entitled "an act to amend and re-enact section two hundred and fifty of the Code of Virginia, providing for donations to universities and colleges having law schools"; and by an act approved February nineteenth, eighteen hundred and ninety-four, entitled "an act to amend section two hundred and forty-six of the Code of Virginia with reference to furnishing the report to reporter and judges"; and an act approved March fourth, eighteen hundred and ninety-six, entitled "an act to amend section two hundred and forty-six of chapter eighteen, Code of Virginia, as amended by an act approved February nineteenth, eighteen hundred and ninety-four, in relation to the secretary of the Commonwealth furnishing reports of the decisions of the court of appeals," be amended and re-enacted so as to read as follows:

CHAPTER XVIII.

Of the Duties of the Secretary of the Commonwealth and of the Board of Directors of the State Library, and Concerning the State and Certain Other Libraries.

§ 242. Oath of secretary.—The secretary of the Commonwealth, before he acts as such, shall, in addition to the other oaths prescribed by law, take an oath to keep secret such matters as he may be required by the governor to conceal.

§ 243. To administer oaths and take acknowledgments.—He shall have authority to administer any oath and take and certify any acknowledgment that a justice is authorized to administer or take.

§ 244. To be keeper of State seals; his general duties.—He shall be keeper of the seals of the Commonwealth; keep a record of all executive acts, arrange and preserve all records and papers belonging to the executive department; be charged with the clerical duties of that department, and render to the governor, in the dispatch of executive business, such services as he may require. He shall record or register all papers or documents required by law to be registered or recorded in his office, and when required furnish a copy of any record in his office under the seal of the Commonwealth.

He is authorized to authenticate records of any court of the State and of any department of the government, and he is directed, when any such record is to be used beyond the limits of this State, to authenticate the same in the manner and give the certificate required by the laws of the jurisdiction in which such record is to be used, as far as is practicable.

He shall keep a register of all city, county, and district officers, and when required give a certificate of the election and qualification of any such officer.

He shall make an annual report to the governor, embracing (a) a list of all charters of incorporation recorded and all trade-marks, labels, and so forth, and proprietary containers registered: provided, that the first list of charters of incorporation made shall embrace all such charters heretofore recorded; (b) the boards of visitors of all public institutions,

and other boards appointed by the governor; (c) all commissions issued under appointments made by the governor; (d) accounts of all fees and taxes collected, funds received from sales of State publications, receipts, and disbursements for contingent expenses of his office; (e) and such other matters as the governor may require. Said reports shall be transmitted by the governor to the general assembly, printed as other such annual reports are printed, bound in a separate volume, and disposed of according to law.

§ 245. When absent, chief clerk to act.—During the necessary absence of the secretary of the Commonwealth from his office his duties shall be performed by his chief clerk, but when such absence is for more than one day at a time, notice thereof shall be given to the governor.

§ 246. Secretary to have charge of supreme court reports and furnish copies to judges and others.—He shall be charged with the custody, disposal, and sale of the published reports of the decisions of the supreme court of appeals; shall make exchanges of the same for the publications of other States and countries, and place the law books acquired by such exchange in the State law library. One copy of each volume of said reports hereafter published shall be furnished to each of the following persons, namely: to the judges and the reporter of the supreme court of appeals, to the judges of the circuit and corporation courts, including the judges of the chancery court and law and equity court of the city of Richmond and the judge of the court of law and chancery of the city of Norfolk, to the attorney-general (to be kept in his office), to the clerk of each of the circuit courts of the United States held in this State for the use of said courts and the members of the bar practicing therein. Eight copies of each volume of said reports hereafter published shall be furnished to each university and college in the State in which a law school is established.

§ 247. State library; bond of librarian and doorkeeper.—There shall be maintained at the State capital a State library, consisting of books, papers, records, portraits, and other works relating to the history of the State, science, literature, law, and general history. It shall be maintained and conducted as a library of reference.

The librarian shall give bond to the State in the sum of two thousand dollars, with sureties approved by the library board, for the faithful discharge of his duties and the delivery over to his successor of all the property of the State in his possession. The doorkeeper shall be required to give a like bond to the State in the sum of five hundred dollars. These bonds shall be recorded by the secretary of the Commonwealth and deposited with the auditor of public accounts.

The salaries of the librarian and doorkeeper shall be paid from appropriations out of the public treasury for that purpose.

§ 248. Library fund.—All books, documents, and maps published by the State, and not otherwise disposed of by law, shall be sold, and the proceeds thereof shall constitute a library fund for the support and improvement of the library and the publication of records.

§ 249. Donations and exchange of State publications.—The library board shall arrange for the exchange of the Virginia publications with as many of the States and institutions as possible, with the general government, and with other governments; with societies and others, as it

sees fit, placing all exchanges received in the State library, except that all statutes and law books received shall be transferred to the law library.

It may send to any university, college, public library, or societies copies of State publications.

§ 250. Donations to universities and colleges having law schools.—The secretary of the Commonwealth shall furnish the universities and any incorporated college of the State in which a law school is established, and which has not heretofore been furnished, out of any surplus copies on hand, with one copy of the journal of the senate and house of delegates and journal of the constitutional convention, of the acts of assembly and of the Codes; and every incorporated college and academy in the State with a copy of the maps.

§ 251. Secretary to deliver certain securities to treasurer.—The secretary of the Commonwealth shall turn over to the treasurer of the State all securities and money now or hereafter in his hands belonging to the library fund, which money and securities shall be held by the treasurer as a separate fund for the benefit of the library, to be paid out as is hereinafter directed, and of all moneys hereafter coming into his hands from sales of all books, documents, and maps published by the State, the secretary of the Commonwealth shall render a monthly account to the auditor of public accounts, showing the amount due by him from such sales during the preceding month, and shall at the time of making such report pay the same into the treasury to the credit of said library fund.

§ 252. How books, and so forth, sold; by whom; prices.—All books, documents, and maps published by the State shall be delivered to the secretary of the Commonwealth, who, after disposing of and preserving the number of copies as required by law, shall deliver to the order of the library board such copies as may be needed for gifts and for exchanges, and shall sell the remaining copies at such prices as may be fixed by the library board, with the consent of the secretary of the Commonwealth, subject to the provisions of an act approved April second, nineteen hundred and two, ratifying the contract between the joint library committee of the general assembly of Virginia, dated February twenty-first, nineteen hundred, and the Michie Company, and to provide for similar contracts with other persons.

Such sales may be made through book dealers, and a reasonable commission allowed them on such sales, and when such books, maps, and documents are placed in the hands of such dealers, the secretary of the Commonwealth shall require of such dealers bond, with good security, payable to the Commonwealth and conditioned to secure the payment of the price of said publications or the return thereof to the secretary of the Commonwealth on demand. The secretary of the Commonwealth is authorized to make exchanges of such publications, the publications secured by such exchanges to be placed in the State library or the State law library. All costs and expenses attending said sales and exchanges shall be paid by said secretary out of the proceeds of such sales. The said secretary shall keep and preserve at least twenty-five copies of each of said publications.

§ 253. How library fund paid out.—The library fund shall be paid out by the treasurer on warrants drawn by the auditor of public accounts, such warrants to be drawn by the auditor on the order of the library board, signed by the chairman of the board and attested by the secretary.

§ 254. Library board, how appointed; term of office; certain powers and duties.—The State library shall be managed by a board of directors, consisting of five members, to be appointed by the State board of education, and to be known as the library board, under such rules and regulations as shall be prescribed by law, but the supreme court of appeals shall have the management of the law library and the appointment of the librarian and other employees.

The State board of education shall, before July first, nineteen hundred and three, appoint the library board. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively, from July first, nineteen hundred and three, and thereafter upon the expiration of the term of a member, his successor shall be appointed for a term of five years. Appointments to fill other vacancies shall be for the unexpired term.

On July first, nineteen hundred and three, or as soon thereafter as may be practicable, the library board shall meet and organize by electing one of its number chairman. It shall appoint a librarian and doorkeeper and such other employees as shall be authorized by law. The term of office of the librarian and doorkeeper shall be at the pleasure of the board.

The library board shall keep complete minutes of all its proceedings, neatly recorded in a substantial book, which shall be signed by the chairman and secretary, and a record of all receipts and disbursements, all of which shall be preserved as public records.

It shall, from time to time, acquire by gift or purchase, books, maps, portraits, and records pertaining to the history of the State and her citizens, to science, literature, and law, and shall edit, or cause to be edited, arranged, and published the State records now or hereafter deposited in the library.

It shall make rules and regulations, not inconsistent with law, for the use of the library by the people, and specifying the character of the books which may not be removed from the library, see that the library is properly and neatly kept for the reception of the public, and that its contents are properly preserved and cared for.

It shall superintend and direct all expenditures of library funds. The library board shall annually make a report to the governor of all receipts and expenditures and of the condition of the library, and all other matters in relation thereto that it may deem expedient for the information of the general assembly; and such report shall be transmitted by the governor to the general assembly.

§ 255. Additions to State library; board to order payment of drafts of supreme court of appeals for additions to law libraries.—The library board shall annually procure such books in literature, science, and the arts, and such maps and charts as may seem to the board desirable.

The records of the several departments of the State government, which may be considered of historical value, shall, with the consent of the head of such department, be deposited and preserved in the State library, and

all such records now or hereafter so deposited shall be deemed to be in the custody of the officers from whose possession they were transferred, who shall have free access thereto. None of said records so deposited shall be removed from the library except by the officer entitled to the custody thereof under this section.

After making the purchases necessary for the State library, the library board shall order to be paid out of the library fund such drafts as may be made upon the fund from time to time by the supreme court of appeals for the purchase of books for the law libraries at Richmond, Staunton, and Wytheville: provided, that such drafts shall not exceed in any one year the sum of three hundred dollars for each of the libraries at said places.

§ 256. Historical works and relics; editing and publishing historical records; amount to be expended; from what fund.—The library board shall especially cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, work of art, or relic relating to the history of Virginia, not now in the library, which can be obtained on reasonable terms, and may cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as the board may deem proper to print in the calendar of State papers, and shall cause the legislative papers so to be printed to be arranged for that purpose and preserved for reference; and shall cause the records pertaining to the revolutionary war, the war of eighteen hundred and twelve, the Mexican war, and the civil war to be edited, arranged, and published so as to show the service of citizens of the State in such wars.

Of the moneys and securities belonging to the library fund now in the hands of the secretary of the Commonwealth and transferred to the treasurer, the library board is authorized to expend a sum not exceeding the sum of four thousand dollars per annum in editing, arranging, and publishing the records pertaining to the history of the colony and State of Virginia, and to the service of citizens of the State in the wars of the revolution, of eighteen hundred and twelve, the Mexican war, and the civil war.

The treasurer shall sell said securities on the order of the board when necessary to meet the expenditure hereby authorized. Such sale may be made to the board of sinking fund commissioners.

§ 257. Librarian, his duties.—The librarian shall have charge of the State library, giving his personal attention and attendance to it and carrying out and enforcing the rules and regulations made therefor by the general assembly and the library board.

He shall be secretary of the library board, and shall perform all the duties belonging to that position.

He shall keep a neat and accurate record of all proceedings of the board, an itemized account of all receipts and disbursements, and an itemized memorandum of all purchases, or contracts for purchases made, and of all books and documents given or received as gifts or in exchange.

§ 258. State library, when to be opened.—The library shall be kept open every day in the year (except Sundays and holidays) from nine

o'clock ante-meridiem until five o'clock post-meridiem, and such other hours as the library board may direct.

§ 259. Doorkeeper of library; his duties and pay.—The doorkeeper of the library shall assist the librarian in the discharge of his duties, and shall discharge such other duties as may be required of him by the board. He shall, under the direction of the secretary of the Commonwealth, attend to the care, shipment, and sales of State publications, and shall receive a salary of thirty dollars per month for all of his services.

§ 260. Who may use State library.—The judges of the supreme court of appeals, the governor, lieutenant-governor, reporter of court of appeals, members of the general assembly during the sessions thereof, and other State officers at the capitol, and such other persons as the library board may deem fit, shall be allowed to use the State library under such rules and regulations as the board shall adopt: provided, that no manuscript or record of any kind, and no book, portrait, or relic of rare or historical value shall be taken from the library room by any one, and no books of any kind shall be taken out of the city of Richmond, and that no book shall be kept out of the library for more than ten days.

§ 261. The law libraries.—There shall be a State law library at Richmond, with branches thereof at Wytheville and Staunton, maintained as at present, which shall be managed by the supreme court of appeals. The said court shall appoint the librarian and other employees, to hold office during the pleasure of the court.

The State law library shall consist of the books now in the law libraries at Richmond, Staunton, and Wytheville, with such additions as may be made thereto.

§ 262. Books for the law libraries.—The supreme court of appeals shall, from time to time, make additions to the State law library by purchases made with funds at their disposal for that purpose, and may cause books to be transferred from one law library to another. All law books acquired by the State by gift, or by exchange, from the United States, or other States and countries, shall be placed in said library. The secretary of the Commonwealth shall have placed in the law library at Richmond, Staunton, and Wytheville a copy of every law book which may be hereafter published for the Commonwealth.

§ 263. Regulations of State law libraries.—The supreme court of appeals shall have power to make and enforce such rules and orders for the regulation of the State law library, and the use thereof, as may to it seem proper.

§ 264. Who may use law libraries.—The governor, lieutenant-governor, attorney-general, and other State officers at the capitol, reporter of court of appeals, members of the general assembly during the session thereof, judges of courts, and practicing attorneys in good standing, and such other persons as the supreme court of appeals shall designate, shall have the use of the State law library, under such rules and regulations as the supreme court of appeals shall make.

§ 265. Secretary to furnish Code and session acts.—Whenever the secretary of the Commonwealth shall be satisfied that any justice or other county or corporation officer entitled by law to receive the session acts or the Code of Virginia does not possess the same or any of them, and can-

not otherwise procure them, he shall, on application of the circuit or corporation court, furnish the same: provided, he does not thereby diminish the supply of the work so issued, in his custody, below twenty-five copies.

§ 266. Law libraries for courts and bar.—If the members of the bar practicing in any county or corporation of the Commonwealth shall procure by voluntary contribution a law library of the value of one hundred dollars, at the least, for the use of the courts held in such county or corporation, and of the bar practicing therein, it shall be the duty of the circuit court of such county or corporation to require its clerk to take charge of the library so contributed and to keep the same according to rules to be prescribed by the bar and approved by the court.

§ 267. Circuit courts to enforce rules for government of such law libraries.—The observance of the rules so prescribed and approved may be enforced by the circuit court by such summary process and judgment as shall be provided by such rules.

2. Be it further enacted by the general assembly of Virginia, That an act approved May fifteenth, nineteen hundred and three, entitled "an act to provide for the maintenance and management of the State library," and an act approved May sixteenth, nineteen hundred and three, entitled "an act to amend and re-enact sections two hundred and forty-two, two hundred and forty-three, two hundred and forty-four, two hundred and forty-five, two hundred and forty-six, two hundred and fifty, two hundred and fifty-two, and two hundred and sixty-seven of the Code of Virginia, relative to the duties of the secretary of the Commonwealth," be, and the same are hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 548.—An ACT to amend and re-enact sections 884 and 885 of the Code of Virginia, in relation to vagrancy, so as to define who are vagrants, and to punish persons convicted of vagrancy as for a misdemeanor, and to repeal section 886 of the Code of Virginia.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That sections eight hundred and eighty-four and eight hundred and eighty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 884. Who are vagrants.—The following persons shall be deemed vagrants:

First. All persons who shall unlawfully return into any county or corporation whence they have been legally removed.

Second. All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they then are.

Third. Persons wandering or strolling about in idleness who are able to work and have no property to support them.

Fourth. Persons leading an idle, immoral, or profligate life, who have no property to support them, and who are able to work, and do not.

Fifth. All able-bodied persons found begging for a living, or who quit their houses and leave their wives or children without the means of subsistence.

Sixth. All persons who shall come from any place without this Commonwealth to any place within it and shall be found loitering and residing therein, and shall follow no labor, trade, occupation, or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business in such place.

Seventh. All persons having a fixed abode who have no visible property to support them, and who live by stealing or by trading or bartering stolen property.

Eighth. All persons who are able to work and who do not work, but hire out their minor children and live upon their wages.

§ 885. Vagrants; how dealt with, and so forth.—It shall be, and is hereby, made the duty of the sheriff and constables of every county, the police, or town sergeants or other like officials in every city and town in this State, to give information, under oath, to any officer empowered by law to issue criminal warrants, of all vagrants within their knowledge or persons whom they have good reason to suspect of being vagrants, in their respective counties, cities, and towns; and thereupon, or upon the complaint of any person upon oath, the said officer shall issue a warrant for the arrest of the person alleged to be a vagrant, and he shall be brought before any magistrate having jurisdiction of misdemeanors within said county, city, or town, and upon conviction shall be punished as for a misdemeanor: provided, however, that the magistrate may, in his discretion, or the court before which the case may be tried on appeal may, in its discretion, permit such person so convicted to give bond, with sufficient security, in an amount not exceeding five hundred dollars nor less than one hundred dollars, conditioned upon his future industry and good conduct for one year; and upon giving such bond such person shall be set at liberty without undergoing the punishment imposed by his conviction: and provided, further, that it shall be a sufficient defense to the charge of vagrancy under this and the preceding section that the defendant has made reasonable bona fide efforts to obtain employment at reasonable prices for his labor and has failed to obtain the same.

2. Section eight hundred and eighty-six of the Code of Virginia is hereby repealed.

3. This act shall be in force from its passage.

CHAP. 549.—An ACT to amend and re-enact sections 3975, 3976, 3977, and 3978 of the Code of Virginia, as heretofore amended.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That sections thirty-nine hundred and seventy-five, thirty-nine hundred and seventy-six, thirty-nine hundred and seventy-seven, and thirty-nine hundred and seventy-eight of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 3975. Grand juries; regular and special terms; when.—There shall

be a regular grand jury at two terms in each year of the circuit courts of the counties and of the corporation or hustings court of the corporations, to be designated by the judges of said courts, respectively, and special grand juries whenever ordered, as hereinafter provided.

§ 3976. When and how grand jurors to be selected by judges of circuit courts of counties and corporation or hustings courts of cities; lists to be delivered to clerk; when and how jurors summoned.—The judges of the said courts shall annually, in the month of June, July, or August, select from the male citizens of each county of their respective circuits and in their several cities forty-eight persons twenty-one years of age and upwards, of honesty, intelligence, and good demeanor, and suitable in all respects to serve as grand jurors, who shall be the grand jurors for the county or city from which they are selected for twelve months next thereafter. Such jurors shall be selected in each county from the several magisterial districts of the county and from the several wards of the cities in proportion to the population thereof, and the judge making the selection shall at once furnish a list of those selected to the clerk of his court in each county of his circuit or in his city. The clerk, not more than twenty days before the commencement of each term of his court at which a regular grand jury is required, shall issue a venire facias to the sheriff of his county or sergeant of his city, commanding him to summon twelve of the persons selected as aforesaid, to be named in the writ, to appear on the first day of the court to serve as grand jurors. No such person shall be required to appear more than once until all the others have been summoned once, nor more than twice until the others have been twice summoned, and so on: provided, that no male citizen over sixty years of age shall be compelled to serve as a grand juror. The clerk, in issuing the venire facias, shall apportion the grand jurors, as nearly as may be, ratably among the magisterial districts or wards: provided, that the circuit court of James City county, or the judge thereof in vacation, shall select the grand jurors for such court from said county and the city of Williamsburg in such proportion from each as he may think proper.

§ 3977. Who are qualified; number of grand jury, regular and special.—A regular grand jury shall consist of not less than nine nor more than twelve persons, and a special grand jury of not less than six nor more than nine persons. Each grand juror shall be a citizen of this State, twenty-one years of age, and shall have been a resident of this State two years, and of the county or corporation in which the court is to be held one year, and in other respects a qualified juror, and not a constable, ordinary keeper, overseer of a road, and not the owner or occupier of a grist-mill, and, when the grand juror is for a circuit court of a county, not an inhabitant of a city.

§ 3978. When special grand jury may be ordered; by whom and how. A special grand jury may be ordered at any time by a circuit court of a county, corporation, or hustings court of a corporation, or the judge thereof in vacation, the jurors to be summoned from a list furnished by the judge; and where a grand jury, regular or special, has been discharged, the court, during the same term, may impanel another grand jury, which may be a special grand jury.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 550.—An ACT to amend and re-enact section 6 of an act approved March 3, 1896, entitled "an act to amend and re-enact section 2 of an act approved February 22, 1890, entitled an act to extend the boundaries of the city of Norfolk, and to amend and re-enact sections 5, 6, and 12 of said act, as amended by an act approved February 12, 1892, entitled an act to amend and re-enact sections 5, 6, and 12 of an act entitled an act to extend the boundaries of the city of Norfolk," approved February 22, 1890.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That section six of an act approved March third, eighteen hundred and ninety-six, entitled "an act to amend and re-enact section two of an act approved February twenty-two, eighteen hundred and ninety, entitled an act to extend the boundaries of the city of Norfolk," and to amend and re-enact sections five, six, and twelve of said act, as amended by an act approved February twelfth, eighteen hundred and ninety-two, entitled an act to amend and re-enact sections five, six, and twelve of an act entitled an act to extend the boundaries of the city of Norfolk," approved February twenty-two, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 6. All taxes levied and collected upon persons and property within the limits hereby added to the city of Norfolk, excepting water taxes and license taxes, shall be collected by the city collector, who shall, after deducting his fees, pay the same into the treasury of the city, to be set apart as a special fund for the improvement, protection, schools, police, and every other expenditure of the said ward from which it is collected, to be appropriated by the councils on the recommendation of the local board of improvement in said ward. The said board is at present composed of five residents of said ward elected by the legally qualified voters of said ward, on the fourth Thursday in May, nineteen hundred and two, who shall hold office from July first, nineteen hundred and two, until February twenty-second, nineteen hundred and five, at which time the said Atlantic City ward shall be and become an integral part of the city. And all bills for money spent within said ward be certified by the local board of improvement before being ordered to be paid by the councils.

All works of internal improvement within the newly annexed territory shall be under the supervision of the board of street, sewer, and drain commissioners, as provided by law, within the present limits of the city.

It shall not be lawful for the councils during the before-mentioned period of fifteen years from the twenty-second day of February, eighteen hundred and ninety, to expend more money in the ward hereby added to the city of Norfolk than shall be collected during the year as hereinbefore provided from said ward, unless the same be an unexpended balance collected during some previous year, except as provided by section five.

2. This act shall be in force from its passage.

CHAP. 551.—An ACT to amend and re-enact section 3853 of the Code of Virginia, in relation to bribing voter at elections.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That section three thousand eight hundred and fifty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3853. Giving or receiving bribe for vote, how punished.—If any person, directly or indirectly, give to a voter in any election any money, goods, or chattels under an agreement, express or implied, that such voter shall give his vote for a particular candidate, or for or against any question voted on at any such election, such person shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in jail not less than one nor more than twelve months. And the voter receiving such money, goods, or chattels, in pursuance of such agreement, shall be punished in like manner with the person giving the same.

2. This act shall be in force from its passage.

CHAP. 552.—An ACT to amend and re-enact section 2599; section 2600, as amended by an act of the general assembly approved March 3, 1898, and sections 2601 and 2602 of the Code of Virginia.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and ninety-nine; section twenty-six hundred, as amended by an act of the general assembly approved March third, eighteen hundred and ninety-eight, and sections twenty-six hundred and one and twenty-six hundred and two of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 2599. What courts or clerks may appoint guardians.—The circuit or corporation court of any county or corporation, or the clerk of the circuit court of any county or city, in which any minor resides, or, if he be a resident out of the State, in which he has any estate, may appoint a guardian for him, unless he have a guardian appointed as aforesaid by his father.

§ 2600. How appoint them.—If the minor is under the age of fourteen years, the court or clerk may nominate and appoint his guardian; if he is above that age, he may, in the presence of the court or clerk, or in writing acknowledged before a justice or notary public, nominate his own guardian, who, if approved by the court or clerk, shall be appointed accordingly; and if the guardian nominated by such minor shall not be appointed by the court or clerk, or if the minor reside without the State, or if, after being summoned by the court or clerk, he shall neglect to nominate a suitable person, the court or clerk may nominate and appoint the guardian in the same manner as if the minor was under the age of fourteen years.

§ 2601. Guardians to give bond; judge or clerk liable if bond not

given, and with good security.—Every guardian, unless, in the case of a testamentary guardian, the will otherwise directs and the court or clerk in such case deems it unnecessary for the safety of the ward, shall give bond, to be approved by the court or clerk by which he is appointed or in which he accepts the trust, in such penalty as shall be prescribed by the court or clerk. If any court or clerk omit to require such a bond, the judge or clerk so in default shall be liable to the ward for any damages he may sustain thereby.

§ 2602. When court or clerk may appoint curator; his bond; powers and duties.—Until a guardian shall have given bond, or while there is no guardian, the court or said clerk may, from time to time, appoint a curator, who shall give bond as aforesaid, and during the continuance of his trust have all the powers and perform all the duties of a guardian, and be responsible in the same way.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 553.—An ACT to amend and re-enact section 4016 of the Code of Virginia, as amended and re-enacted by an act approved February 12, 1894; section 4018 of the Code of Virginia, as amended by an act approved March 5, 1900; sections 4023, 4036, and 4039 of the Code of Virginia; section 4047 of the Code of Virginia, as amended by an act approved February 24, 1894, and section 4048 of the Code of Virginia, as amended by an act approved January 18, 1888.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That section four thousand and sixteen of the Code of Virginia, as amended and re-enacted by an act approved February twelfth, eighteen hundred and ninety-four, and section four thousand and eighteen of the Code of Virginia, as amended and re-enacted by an act approved March fifth, nineteen hundred; sections four thousand and twenty-three, four thousand and thirty-six, and four thousand and thirty-nine of the Code of Virginia, and section four thousand and forty-seven of the Code of Virginia, as amended by an act approved February twenty-fourth, eighteen hundred and ninety-four, and section four thousand and forty-eight of the Code of Virginia, as amended by an act approved January eighteenth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 4016. Criminal offenses committed in counties to be tried in circuit courts; when and by whom venire facias issued in case of felony.—The circuit courts, except where otherwise provided, shall have exclusive original jurisdiction for the trial of all presentments, indictments, and informations for offenses committed within the counties of their respective circuits, and also of all presentments, indictments, and informations pending in the county courts on the first day of February, nineteen hundred and four.

The clerk of the court in which the trial of a case of felony is to be had shall, as soon as may be, issue a venire facias, directed to the officer of said court, requiring him to summon jurors for such trial, from a list

to be furnished him as provided in section four thousand and eighteen. When an indictment is found against a person for felony, the accused, if in custody, or if he appear according to his recognizance, shall, unless good cause be shown for a continuance, be arraigned and tried at the same term.

§ 4018. Venire facias in case of felony; what to command; number of persons to be summoned, and how to be selected.—The writ of venire facias, in case of felony, shall command the officer to whom it is directed to summon sixteen persons of his county or corporation, to be taken from a list to be furnished him by the circuit court of the county or corporation court of the corporation, or the judge thereof, residing remote from the place where the offense is charged to have been committed, and qualified in other respects to serve as jurors to attend the court wherein the accused is to be tried on the first day of the next term thereof, or at such other time as the court or judge may direct.

At one term of the court only one jury shall be summoned, unless the court or judge otherwise direct; and the jury so summoned may be used for the trial of all the cases.

§ 4023. How panel selected and jury constituted; how trial had upon plea of guilty without a jury.—In every case of a felony there shall be selected, from the persons summoned as aforesaid, a panel of sixteen persons free from exception, from which panel the accused may strike four, and the remaining twelve shall constitute the jury for the trial of the accused; or if the accused does not strike off any, or strikes off less than four, twelve of the panel or of those remaining thereon shall be selected by lot, who shall constitute the jury: provided, however, that upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall hear and determine the case without the intervention of a jury. In such cases the court shall have and exercise all the powers, privileges, and duties given to juries by sections three thousand eight hundred and eighty-eight, three thousand nine hundred and three, four thousand and forty, four thousand and forty-two, four thousand and forty-three, four thousand and forty-four, or any other statute relating to crimes and punishments.

§ 4036. When and how the venue may be changed.—A circuit court may, on the motion either of the accused or of the attorney for the Commonwealth, or, without such motion, for good cause, order the venue for the trial of a criminal case in such court to be changed to some other circuit or corporation court; and, in like manner, the court of a corporation may order the venue to be changed to another circuit or corporation court.

§ 4039. When judge cannot sit on trial; how another judge procured to try the case.—When the judge of a circuit or city court, in which a prosecution is pending, is connected with the accused or party injured, or so situated in respect to the case as in his opinion to render it unfit that he should preside at the trial, he shall enter the fact of record, and thereupon the governor shall, as provided by section three thousand and forty-nine, designate another judge of a circuit court or of a city court of a city of the first class to try the case.

§ 4047. Within what time an indictment for felony must be tried or accused be forever discharged.—Every person against whom an indictment is found charging a felony and held in any court for trial shall be forever discharged from prosecution for the offense if there be three regular terms of the circuit or four of the corporation or hustings courts in which the case is pending after he is so held without a trial unless the failure to try him was caused by his insanity or by the witnesses for the Commonwealth being enticed or kept away or prevented from attending by sickness or inevitable accident, or by continuance granted on the motion of the accused, or by reason of his escaping from jail or failing to appear according to his recognizance, or of the inability of the jury to agree in their verdict, or where there be no court held at the regular term, or where there is court held and for any reason it would be injudicious in the opinion of the court to have jurors and witnesses summoned for that term, which reason shall be specially spread upon the records of the court; but the time during the pendency of any appeal in any appellate court shall not be included as applying to the provisions of this act.

§ 4048. Jurors in case of misdemeanor.—Jurors drawn or summoned under chapter one hundred and fifty-two shall be jurors as well for the trial of cases of misdemeanor as of civil cases, and all the provisions of that chapter except the provisions of sections thirty-one hundred and sixty-two and thirty-one hundred and sixty-six, and that provision of section thirty-one hundred and sixty which directs the compensation and mileage of jurors to be paid out of the county or corporation levy (which excepted provisions shall apply exclusively to jurors and juries in civil cases) shall extend as well to jurors and juries in cases of misdemeanor as to jurors and juries in civil cases. And sections thirty-one hundred and thirty-nine, thirty-one hundred and forty, thirty-one hundred and forty-one, thirty-one hundred and fifty-one, thirty-one hundred and fifty-four, thirty-one hundred and fifty-five, thirty-one hundred and fifty-six, thirty-one hundred and sixty-one, thirty-one hundred and sixty-three, thirty-one hundred and sixty-four, thirty-one hundred and sixty-seven, and thirty-one hundred and sixty-eight shall apply to jurors and juries in all cases, criminal as well as civil: provided, however, that in all cases of misdemeanor upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case without the intervention of a jury. In all such cases the court shall have and exercise all the powers and duties vested in juries by any statute relating to crimes and punishments.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 554.—An ACT to prevent merchants engaged in buying and selling merchandise, while indebted, from selling their entire stock of merchandise in bulk or selling the major portion thereof otherwise than in the ordinary course of trade, and to repeal an act of the general assembly entitled "an act to prevent the fraudulent sale, in bulk, of merchandise, or any portion thereof, otherwise than in the ordinary course of trade," approved May 20, 1903.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any merchant engaged in the buying and selling of merchandise while he is indebted to any person, to sell his entire stock of merchandise, in bulk, or to sell the major portion thereof otherwise than in the ordinary course of trade, in the regular and usual prosecution of the seller's business, and with the intention of ceasing to conduct said business, in the same manner and at the same place as he has heretofore conducted the same, without first making a full and complete inventory of the merchandise so proposed to be sold, in which inventory the values shall be extended at the ruling wholesale price thereof; and without further making a full, true, and correct schedule of all persons to whom he is indebted, stating therein the postoffice address of each of said creditors, and the amount owing to each of them; to which inventory and schedule there shall be attached the oath of the seller that the same is true and correct; or if the seller shall assert that he is not indebted to any person, he shall make affidavit to that effect and deliver the same to the purchaser, with the inventory, as hereinafter provided. The seller shall deliver said inventory and schedule to the proposed purchaser, and shall retain exact copies thereof in his own possession; the seller and the purchaser shall each preserve such inventory, schedule, and affidavit for the period of six months after such sale and purchase, and the same shall be open to the inspection of the creditors of the seller. Ten days before such sale shall be consummated, and before the purchaser take possession of the merchandise so proposed to be sold, the seller and proposed purchaser shall join in giving written or printed notice of the proposed sale and purchase of such merchandise to each of the creditors named in such schedule; such notice may be delivered in person to such creditors, or transmitted to them by registered letter through the United States mails by being deposited in the United States postoffice at the place where the seller has heretofore conducted business, or nearest thereto, properly addressed to the respective creditors at the postoffice address given in such schedule, with proper postage affixed; such notice shall state the aggregate value of the merchandise proposed to be sold as shown by such inventory, the consideration to be paid therefor, and the time and manner of making such payment. If said seller shall fail to make such inventory of such merchandise, or if such inventory shall fail to state the true value of said goods as above required, or if said seller shall fail to make such true schedule of creditors as hereinafter provided, and the purchaser shall have knowledge of that fact, or in event the seller shall assert that there are no debts against him, if the purchaser shall fail to require the affidavit above provided, or if the seller and purchaser shall fail to give each of said creditors named in said schedule the notice above required in the manner above provided, or if such notice shall not correctly state the amount of

such merchandise proposed to be sold, and the consideration to be paid therefor, and the time and manner of making the same, then and in either of such events such sale shall prima facie be presumed to be fraudulent and void as against the creditors of such seller, and the merchandise in the hands of the purchaser, or any part thereof, if it shall be found in his hands, shall be liable to such creditors; and in event the same, or any part thereof, shall be withdrawn by said purchaser, then the purchaser himself personally shall also be liable to said creditors of such seller to the extent of the value of the merchandise so received by him and thus withdrawn.

2. That whenever a notice, as provided in section number one of this act, is sent by registered mail the creditor or person to whom the notice is mailed shall be presumed conclusively to have received the notice, and the time of the notice shall be dated from the time of the mailing and registration, or actual service of said notice.

3. That except as expressly provided in the preceding sections, nothing therein contained, nor any act thereunder, shall change or affect the present rules of evidence or the present presumption of law.

4. Be it further enacted by the general assembly, That an act of the general assembly entitled "an act to prevent the fraudulent sale in bulk of merchandise, or any portion thereof, otherwise than in the ordinary course of trade," approved May twentieth, nineteen hundred and three, be, and the same is hereby, repealed.

5. This act shall be in force from and after its passage.

CHAP. 555.—An ACT to amend subsection (f) of section 1 of chapter 2, subsection (h) of section 1 of chapter 3, and section 28 of chapter 5 of an act of the general assembly of Virginia, entitled "an act concerning corporations," which became a law May 21, 1903.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That subsection (f) of section one of chapter two, subsection (h) of section one of chapter three, and section twenty-eight of chapter five of an act of the general assembly of Virginia entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, be amended and re-enacted so as to read as follows:

(f) The names and places of residence of the officers and directors who shall manage the affairs of the corporation for the first year, unless others are sooner chosen by the stockholders to act in their places. The number of directors shall not be less than seven.

(h) The names and places of residence of the officers and directors who shall manage the affairs of the corporation for the first year, unless others are sooner chosen by the stockholders to act in their places. The number of directors shall not be less than five.

§ 28. When any stockholder fails to pay any instalment or call upon his stock which may have been properly assessed thereon by the directors, in accordance with this contract of subscription, at the time when such payment is due, the directors may collect the amount of such instalments

or call, or any balance thereof remaining unpaid, from the said stockholder by an action at law, or they may sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him, with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively, once in each week before the sale, in a newspaper of the county or city in this State where the principal office of the corporation is located, and such notice shall be mailed by the treasurer of the corporation to such delinquent stockholder at his last known postoffice address at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within one year from the date of the bringing such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.

2. This act shall be in force from its passage.

CHAP. 556.—An ACT to amend and re-enact subsections 1015b, 1015g, 1033, 1033b, 1033f, 1042a, and 1048 of section 1, and section 2 of an act approved May 20, 1903, entitled "an act to amend and re-enact chapter 44 of the Code of Virginia (1887), in relation to cities and towns, and to repeal sections 1039 and 1040 of the Code of Virginia, and section 1043 of the Code of Virginia, as amended and re-enacted by an act approved March 4, 1896, and as attempted to be repealed by an act approved March 7, 1900, and to repeal an act approved March 7, 1900, entitled 'an act to provide for local assessments in cities and towns.'"

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That subsections ten hundred and fifteen b, ten hundred and fifteen g, ten hundred and thirty-three, ten hundred and thirty-three b, ten hundred and thirty-three f, ten hundred and forty-two a, and ten hundred and forty-eight of section one and section two of an act approved May twentieth, nineteen hundred and three, entitled "an act to amend and re-enact chapter forty-four of the Code of Virginia, eighteen hundred and eighty-seven, in relation to cities and towns, and to repeal sections ten hundred and thirty-nine and ten hundred and forty of the Code of Virginia, and section ten hundred and forty-three of the Code of Virginia, as amended and re-enacted by an act approved March fourth, eighteen hundred and ninety-six, and as attempted to be repealed by an act approved March seventh, nineteen hundred, and to repeal an act approved March seventh, nineteen hundred, entitled 'an act to provide for local assessments in cities and towns,' " be amended and re-enacted so as to read as follows:

§ 1015b. Council to reapportion representation among wards; when obligatory upon council to change boundaries of wards.—The council in every city shall, in the year nineteen hundred and three, and every tenth year thereafter, and also whenever the boundaries of the wards of the city are changed, prescribe by ordinance the number of members of each branch of the council and reapportion the representation therein among

the wards, but so as to give, as far as practicable, to each ward of such city equal representation in the council and in each branch thereof in proportion to the population of each ward. In determining such population, the council shall be governed by the last United States census, or by an enumeration to be provided for by ordinance of said council or such other enumeration as may be provided for by law: provided, however, that whenever, by the last United States census, or other enumeration made by authority of the council or as may be provided by law, it shall appear that the population in any ward exceeds that of any other ward by as much as three thousand inhabitants, or whenever the corporate limits of the city shall be extended or contracted, or whenever in the opinion of the council it is necessary, it shall be the duty of the city council to redistrict the city into wards, or so increase or diminish the number of wards as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. For the purpose of carrying out the provisions of this section, or whenever it shall be considered to the interest of the city, the council of each city shall have full power, by ordinance, to authorize an enumeration of the population of the city, and of the different wards thereof by such number of enumerators, with such compensation, and in such manner, as may be provided for in such ordinance: provided, that wherever such enumeration is authorized the enumerators provided for in such ordinance shall be named by the judge of the corporation court of said city, or if there be none, by the judge of the circuit court having jurisdiction thereof: provided, however, that, if, by any change of the boundaries of a ward, or by the increase or diminution of the number of wards, any officer, who is required by law to be a resident of the ward from which he is elected or appointed, shall become a resident of a different ward, such officer shall, notwithstanding, serve as such to the end of his term.

§ 1015g. Rules and officers of councils; investigations by councils and by boards of fire and police commissioners.—The council, or each branch as the case may be, shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by a vote of two-thirds of its members, to expel a member for malfeasance or misfeasance in office. The council, or each branch, shall keep a journal of its proceedings, and its meetings shall be open, except when by a recorded vote of two-thirds of those members present, the council shall declare that the public welfare requires secrecy. The council, or either branch of the council, or any of its committees, when authorized by the said council or branch, the board of police commissioners, and the board of fire commissioners, if there be such boards, may each, in any investigation held by them, respectively, within their respective powers and duties, order the attendance of any person as a witness, and the production by any person of all proper books and papers. Any person refusing or failing to attend or to testify, or to produce such books and papers, may be summoned by such investigating body before the police justice, or in case there is no police justice, before the mayor, or other officer having the powers of a justice of the peace of the city, and upon failure to give a satisfactory excuse, may be fined by him not

exceeding the sum of one hundred dollars, or imprisoned not exceeding thirty days, such person to have the right of appeal, as in cases of misdemeanor, to the hustings or corporation court of said city. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation.

§ 1033. Mayors of cities; how chosen; their duties; appeals from their decisions; how removed for malfeasance, et cetera.—In every city there shall be elected by the qualified voters thereof a mayor for a term of four years, who shall be the chief executive officer of such city, and shall take care that the by-laws and ordinances thereof are fully executed. The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed, or the member of the police or fire department so suspended, unless the charter of the city provides for an appeal to the board of police commissioners, or to the board of fire commissioners, shall have an appeal of right to the corporation court; or, if there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, in term time or in vacation, whose decision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws. The corporation court of a city may remove the mayor of said city from office for malfeasance, misfeasance, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings against a mayor for the purpose of removing him from office shall be by order of or motion before said court, upon reasonable notice to the party affected thereby, and with the right to said party of an appeal to the supreme court of appeals.

In event of the death, resignation, removal of the mayor, or his inability to discharge his duties from some other cause, his place shall be filled and his duties shall be discharged by the president of the board of aldermen or by the president of the council, according as the city council has or has not two branches, until another mayor is elected and qualified, or until such inability shall cease.

Within ten days after such death, resignation, or removal of the mayor, the corporation or hustings court of the city shall order a special election, which shall be held within thirty days after such order is entered, to fill the unexpired term of such mayor: provided, the unexpired part of said term remaining after such election is as much as one year.

But nothing in this section shall be construed to alter or repeal the provisions of the charter of any city regulating the filling of any vacancy in the office of mayor.

§ 1033b. Mayors, councils, and other elective officers of cities; when elected; when their terms begin, et cetera.—The mayors and councils of cities shall be elected on the second Tuesday in June, immediately preceding the expiration of the terms of office of their predecessors, and their terms of office shall begin on the first day of September succeeding; all other city officers elected by the electors of such cities shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of city courts shall begin coincidentally with those of the judges of their said courts. The terms of members of the city council now in office shall be continued until September first, nineteen hundred and four, and all elections to fill such offices thereafter shall be held in pursuance of section ten hundred and fifteen (a) of this act.

§ 1033f. Regulating the grant of franchise, et cetera, by cities and towns, and providing for the advertisement thereof and the public reception of bids therefor, and providing for the enforcement of the obligations of the grantees, grantors, or owners of franchises, and providing penalties for the usurpation of or violation of the terms and provisions of franchises.—(1) Before granting any franchise, privilege, lease, or right of kind to use any public property, or easement of any description, except in the case of and for a trunk railway, it shall be the duty of the city or town proposing to make the grant to advertise the ordinance proposing to make the grant, after its term shall have been approved by the mayor, or the ordinance passed over the mayor's veto, as in case of other ordinances, once a week for four successive weeks in a newspaper published in said city or town; or, if no newspaper be published therein, then in some newspaper having general circulation therein; and the ordinance may be also advertised as many times in such other newspaper or newspapers, published in or out of the city or State, as the council or board of trustees, as the case may be, may select and determine upon.

(2) Such advertisement shall invite bids for the franchise, privilege, or right proposed to be granted in the ordinance, which bids are to be in writing and delivered upon a day and hour named in the advertisement to the presiding officer of the council or board of trustees of the city or town; or, if there be more than one branch thereof, to the presiding officer of the most numerous branch of the city council, in open session. The costs of the advertising herein required shall be paid by the city or town; which, however, shall be reimbursed by the person or corporation to whom the grant is finally made. The city or town shall have the right to reject any and all bids, and shall reserve this right in the advertisement hereinbefore required.

(3) The presiding officer aforesaid shall read aloud, or cause to be read aloud, the bids that have been received for public information, and shall then inquire if any further bids are offered. If further bids are offered they shall be received until no further bid is offered; but if not, the presiding officer shall declare the bidding closed, and the bids that have been received shall be communicated in due course to the other

branch of the city council, if there be another branch. After reference to committee and such other investigation as the council, or either branch of the council, sees fit to make, it shall be the duty of the council, if it sees fit to make the grant, to accept the highest and best bid, and to enact the ordinance as advertised, without substantial variation, except as to the insertion of the name of the accepted bidder: provided, that the council may, by a recorded vote of a majority of the members elected to the council, and to each branch thereof, if it be a council having two branches, reject a higher and accept a lower bid, and award the said franchise, right, or privilege to the lower bidder, if, in its opinion, some reason affecting the interest of the city or town makes it advisable so to do, which reason shall be itself expressed in the body of the subsequent ordinance granting the franchise, right, or privilege; but if, after such advertisements, no bid, or no satisfactory bid, shall be made, the council may advertise for further bids, and in case no bid at all is made, the council may, if it sees fit so to do, enact an ordinance in the manner required by law granting such franchises, rights, or privileges to any person or corporation making application therefor: provided, further, however, that the person or corporation to whom any such franchise, right, or privilege is awarded, whether by competing bids or otherwise, as hereinbefore provided, shall first execute a bond, with good and sufficient security, in favor of the city or town, in such sum as said city or town shall determine, conditioned upon the constructing and putting into operation and maintaining the plant or plants provided for in the franchise, right, or privilege granted.

(4) The subsequent ordinance actually making the grant, with a detailed list giving names, amounts, and addresses of all bidders, shall be presented to the mayor for his information and for his approval or disapproval, as in the case of all other ordinances.

(5) No amendment or extension of any such franchise, right, or privilege that now exists, or that may hereafter be authorized, which extends or enlarges such franchise, right, or privilege, either as to the time during which it is to last or as to the territory in which it is to be enjoyed, shall be granted by any city or town until the provisions of this act shall have been complied with; and no amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance granting the franchise, or that authorizes an increase in the charges to be made by such grantee or assignee, for the use by the public of the benefits of such franchise, shall be granted unless and until notice of such proposed amendment shall be given to the public by advertising the proposed amendment for ten days in some newspaper published therein in the city or town; or, if there be no newspaper published therein, then in some newspaper having circulation therein. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

(6) The corporation courts of the cities and the circuit courts of the counties in which the towns may be situated shall have jurisdiction by mandamus, according to the provisions of section one hundred and forty-four of the Code of Virginia, to enforce compliance by said cities or

towns and by all grantees of franchises, whether now in force or granted under the provisions of this act, with all the terms and contracts and obligations of either party, as contained in franchises. Services of process in such mandamus proceeding may be made upon any agent or employee of such grantees residing in said city or town, or otherwise, as provided by law for service of process on a defendant: provided, however, that such jurisdiction in mandamus shall not preclude any party from bringing any other suit or action which such party would be entitled to bring without the passage of this act, at law or in equity.

(7) Any person or corporation that shall undertake to occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property, or any public easement of any description in any city or town, in a manner not permitted to the general public, without having first legally obtained the consent thereto of the city council or board of trustees, as the case may be, or a franchise therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, each day's continuance thereof to be a separate offense, and such occupancy shall be deemed a nuisance, and the court or justice trying the case shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offenses to jail until such order of the court shall be obeyed.

§ 1042a. To prohibit the several cities and towns of the Commonwealth from imposing and collecting any tax, fine, or other penalty upon persons selling farm and domestic products, grown or produced by them, within the limits of such town or city outside of and not within the regular market houses and sheds of such towns and cities.—It shall be unlawful for any city or town of this State, or for any agent or officer thereof, to impose upon or collect from any person any tax, fine, or other penalty for selling farm and domestic products within the limits of any such town or city and outside of and not within the regular market houses and sheds of such city or town: provided, such products are grown or produced by such person.

§ 1048. Effect of chapter on charters of cities and towns.—Nothing contained in this chapter, in conflict with any provision of the charter of any city or town, shall be construed to repeal such provision, except sections ten hundred and thirteen a, ten hundred and fifteen b, ten hundred and fifteen c, ten hundred and fifteen d, ten hundred and fifteen e, ten hundred and fifteen f, ten hundred and fifteen g, ten hundred and fifteen h, ten hundred and twenty-eight a, ten hundred and thirty-two a, ten hundred and thirty-three, ten hundred and thirty-three b, ten hundred and thirty-three c, ten hundred and thirty-three d, ten hundred and thirty-three e, ten hundred and thirty-three f, ten hundred and thirty-three g, ten hundred and thirty-three h, and ten hundred and forty a, which shall be construed to repeal any provision of the charter of any city or town in conflict with the provisions of said sections, or any of them, anything in the said charter to the contrary notwithstanding.

§ 2. Sections ten hundred and thirty-nine and ten hundred and forty of the Code of Virginia, and section ten hundred and forty-three of the Code of Virginia, as amended and re-enacted by an act approved March

fourth, eighteen hundred and ninety-six, and as attempted to be repealed by an act approved March seventh, nineteen hundred, and an act approved March seventh, nineteen hundred, entitled "an act to provide for local assessments in cities and towns," are hereby repealed: provided, that whenever proceedings to make local assessments for public improvements were commenced prior to the twentieth day of May, nineteen hundred and three, they shall be completed and made effective in accordance with the provisions of subsection ten hundred and forty-one a, of section one of the act in relation to cities and towns, approved May twentieth, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 557.—An ACT to authorize and empower the councils of cities and towns and the boards of supervisors of counties to levy special taxes or levies for the purpose of paying the interest on and providing a sinking fund for bonds issued by virtue of any act of the general assembly enacted.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That the councils of cities and towns and the boards of supervisors of counties are empowered and authorized to provide, by a special tax and levy, for the payment of the interest on all bonds heretofore or hereafter issued by such cities, towns, or counties by virtue of any act of the general assembly, and also to provide a sinking fund to retire said bonds at maturity or sooner.

2. This act shall be in force from its passage.

CHAP. 558.—An ACT to authorize the town of Clarksville, in Mecklenburg county, Virginia, to build, own, operate, and maintain a toll bridge across the Roanoke river or the Dan and Staunton rivers, at the said town, and to issue its bonds and certificates of indebtedness to pay for the same.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the town of Clarksville, in Mecklenburg county, Virginia, and the said town is hereby authorized and empowered, to build, own, operate, and maintain a toll bridge across the Roanoke river, or the Dan and Staunton rivers, at any point thereon within one mile east or west of the foot of Main or Virginia streets in the said town, when it shall have first acquired, by purchase or condemnation proceedings according to law, and paid for the ferries, its franchises, and landings of said ferries now established by law across said river or rivers at and opposite Clarksville and owned by W. H. Ligon and the heirs at law and next of kin of J. W. Love, deceased, or made and entered into a satisfactory written contract or agreement with the owners in respect to the purchase and payment for the same.

2. It shall be lawful for the council of the said town of Clarksville to

cause an election to be held in the said town, in accordance with the provisions of its charter, or with the provisions of the general law for the conduct of town elections, to determine whether or not the said town shall issue its bonds to the amount of ten thousand dollars, for the purpose of building such toll bridge. If a majority of the votes cast at such an election, which majority shall include a majority of the freeholders voting at such election, be in favor of the issue of such bonds, it shall be lawful for the council of the said town to issue bonds of the town to the amount of ten thousand dollars for the purpose aforesaid.

3. Bonds issued under this act shall be in such denomination, payable at such time, bear such rate of interest, not to exceed six per centum per annum, as the council of the said town may determine, and such bonds shall not be disposed of by said town at less than the par value thereof.

4. The council of the said town shall have authority and it shall be its duty to levy a tax on the property taxable for other purposes of said town, sufficient to pay the interest and to provide a sinking fund to pay the principal of said bonds when the same shall become due.

5. For the purpose of completing the construction of said toll bridge, should the proceeds of the bonds authorized to be issued by this act, be not sufficient for the purpose, it shall be lawful for the said town of Clarksville to make and issue certificates of indebtedness of said town, for a sum not exceeding twenty thousand dollars, bearing interest not to exceed six per centum per annum, to be paid semi-annually, and the principal of such certificates at such time as may be fixed and determined by the council of the said town, not to exceed thirty years, and they shall be in such denominations as may be fixed by the said council. It shall be lawful for the said town to secure the payment of the principal and interest of such certificates by deeds of trust upon the said bridge and the approaches appurtenant thereto, and also to assign and convey by such deeds of trust all of the revenues and tolls derived from said bridge, upon such terms and conditions as the said council may prescribe. Such deeds of trust may be made, executed, and acknowledged for and on behalf of the said town by the mayor thereof, and the seal of the said town affixed thereto by him, and the same attested by the clerk of the said council.

6. In the event of default in the payment of the interest on said certificates, or of the principal thereof at maturity, the holders thereof, or a majority in value of them, may cause such deeds of trust to be foreclosed and the sale of the said bridge made thereunder, on the terms and conditions specified in such deeds of trust; and the purchaser of the said bridge at any sale so made, upon complying with the terms of the sale, shall become the owner of the said bridge, and shall be entitled to operate and maintain the same and to collect tolls for the passage of persons, vehicles, and animals over the same, at a rate of charge not greater than the maximum rates which the council of the said town shall have fixed and established as authorized by this act. But the town of Clarksville and the property within its corporate limits, and the citizens or inhabitants thereof shall not be liable for the payment of the principal of the said certificates of indebtedness or for the interest thereon, except to the extent of the tolls and revenues derived from the said bridge, and to the extent of the property rights and interest of the

said town in the said bridge and the approaches appurtenant thereto, pledged and charged with the payment of said certificates of indebtedness and the interest thereon; and such exemption from liability shall appear on the face of such certificates. The bonds and certificates issued under this act shall be exempt from taxation by the town of Clarksville for municipal purposes.

7. It shall be lawful for the council of said town, at the time of or before the completion of said bridge, to prescribe and fix a maximum rate of toll to be charged for the use of such bridge and provide for the collection of the same.

8. The said town shall have authority to acquire, by purchase or condemnation, in the manner provided by law, the land needed for abutments, piers, and approaches to the said bridge, and may open streets and roads leading to and from such bridge, necessary to connect the same with the nearest streets and county roads now established and used.

9. That work on said bridge shall commence before June first, nineteen hundred and five, and be completed before January first, nineteen hundred and nine.

10. If the said town of Clarksville shall complete the bridge hereby authorized by the first of January, nineteen hundred and nine, no other toll or highway bridge shall be built across said rivers within three miles of the said town within fifty years from the date of the passage of this act without the consent of the owner of the bridge built under the provisions of this act.

11. Any registered voter of said town who was qualified under the Constitution and laws of Virginia to vote at the last general election held in said town, next preceding that at which the sense of the voters of said town shall be taken upon the question of the issue of said bonds, shall be entitled to vote at any such election.

12. This act shall be in force from its passage.

CHAP. 559.—An ACT to confer on the town council of the town of Barton Heights, Henrico county, certain authority as to the cemeteries adjoining said town.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Barton Heights, Henrico county, be, and the same is hereby, empowered to make by ordinance reasonable rules and regulations governing the care of, and the burial of dead bodies, in the cemeteries adjoining the town of Barton Heights, known as Ham's, Cedarwood, Methodist, Union Mechanics, Ebenezer, and Sycamore cemeteries, as to said council shall seem to be to the best interests of the said cemeteries and most conducive to the health and comfort of the citizens of said town, and to prevent the creation of a nuisance by improper burials in said cemeteries. And the said council may provide by ordinance penalties for the violation of such rules and regulations by fine not exceeding fifty dollars, or imprisonment in jail not exceeding twelve months.

2. This act shall be in force from its passage.

CHAP. 560.—An ACT to prohibit the throwing of sample packages of medicines in yards, halls, porches, or doorways in this State.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, or corporation to throw or place, or cause to be thrown or placed, in any yard, hall, porch, doorway, or vestibule in this State, any sample or sample package of medicine without permission from the owner or occupant of such premises.

2. Nothing in this act shall be so construed as to prevent any person, firm, or corporation from delivery of samples or sample packages of medicine, if said delivery is made direct to the owner or occupant of any house, or to any person over twelve years of age.

3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars.

4. This act shall be in force from its passage.

CHAP. 561.—An ACT to remove the political disabilities of George T. Croxton, of the county of Essex.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, two-thirds of both houses concurring, That the disabilities of George T. Croxton, of the county of Essex, incurred under section twenty-three of article two of the Constitution of Virginia, with reference to duelling, be, and the same are hereby, removed.

2. This act shall be in force from its passage.

CHAP. 562.—An ACT to provide for the release of contracts for sale of personal property docketed under section 2462 of the Code of Virginia, as amended by act of the general assembly of Virginia, approved 28th day of February, 1890.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That each vendor in a contract for the sale of personal property, docketed under section twenty-four hundred and sixty-two, Code of Virginia, as amended, upon payment to him of the amount of purchase price in full, as set forth in said contract, shall mark the same satisfied upon the margin of the page of the book where the same is recorded, which note of satisfaction, when signed by such vendor or his duly authorized agent or attorney, and attested by the clerk in whose office such contract is docketed, shall operate as a release of all claims of such vendor as to all of the goods described in the contract so docketed, and the clerk for so attesting such release shall have a fee of twenty-five cents, to be paid by the vendor, and by him to be charged in said contract, and collected in the same manner as the other money due him under said contract is collected.

Any vendor failing or neglecting to so release a contract within thirty days after the whole amount thereof has been paid to him shall forfeit five dollars to the vendee.

2. Whenever any such vendee shall be indebted for rent of the house wherein the personal property described in said contract is stored or kept, the said vendor, at the request of the landlord, or his duly authorized agent or attorney, shall state, under oath, the balance due on said contract of sale, and upon the payment of such balance, either by the vendee, or by any one else for him, shall release and mark the said contract satisfied, as prescribed in section one of this act.

3. This act shall be in force from its passage.

CHAP. 563.—An ACT to amend and re-enact section 1414 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section 1414 of the Code of Virginia, approved January 15, 1900, and as amended and re-enacted by an act entitled an act to amend and re-enact section 1414 of the Code of Virginia, approved March 3, 1900, so as to repeal certain provisions thereof relating to the council of the town of Barton Heights.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and fourteen of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section fourteen hundred and fourteen of the Code of Virginia, approved January fifteenth, nineteen hundred, and as amended and re-enacted by an act entitled an act to amend and re-enact section fourteen hundred and fourteen of the Code of Virginia, approved March third, nineteen hundred, be amended and re-enacted to read as follows:

§ 1414. Location of cemeteries; limitation as to quantity of land.—Nothing contained in the four preceding sections shall be so construed as to authorize any cemetery to be hereafter established in the corporate limits of any city or town, or within four hundred yards of any residence without the consent of the owner of such residence; or to authorize the conveyance of more than seventy-five, or the condemnation of more than two acres of land for use of a cemetery.

2. This act shall be in force from its passage.

CHAP. 564.—An ACT to amend and re-enact sections 1347 and 1360 of chapter 61 of the Code of Virginia.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That sections thirteen hundred and forty-seven and thirteen hundred and sixty of chapter sixty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1347. Application for leave to build or raise dam across or in water course, or cut canal, and so forth.—A person having upon lands owned

by him on a water course, or proposing to build on such lands, a water mill, or other machine, manufactory, or engine, useful to the public, and desiring leave to erect a dam across, or in such water course (whether he own the lands on either side of the water course at the point where such dam is to be erected or not), or to cut or enlarge a canal through lands above or below, or to raise a dam which may have been erected under an order of court, or the owner of any such water mill, machine, manufactory, or engine, located on a water course, having the right to the use of such water course for the operation of his said mill, machine, manufactory, or engine, and desiring leave to construct a work on or through the lands of another for the purpose of confining the water course within its customary channel or restoring it thereto where it has been diverted therefrom not more than three years by floods or other natural causes, may apply for such leave to the circuit court of the county wherein such mill, machine, manufactory, or engine stands, or is proposed to be built.

§ 1360. Exemption from grinding other grain than wheat.—The circuit court of any county, or the circuit or corporation court of any corporation, in which is situated any mill which is adapted to and used for the exclusive purpose of manufacturing flour, may, upon the application of the owner or occupier of any such mill, release and discharge such owner or occupier from the obligation to grind, upon toll, corn or any other grain except wheat, or grind, upon toll, any wheat which is in a rotten or damaged state: provided, that the court granting such privilege may at any time, upon good cause shown, rescind such order.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 565.—An ACT to amend and re-enact sections 1340 and 1345 of chapter 80 of the Code of Virginia.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That sections thirteen hundred and forty and thirteen hundred and forty-five of chapter sixty of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 1340. How water courses between counties are cleared of obstructions.—The circuit court of any county which is divided by a water course from another county or through any part of which a water course passes may, by itself or in conjunction with the circuit court or circuit courts of any other county or counties, contract with any person or order laborers to be hired to clear such water course of obstructions in such manner and to such extent as may seem to it proper, and there shall be charged on any county whatever sum the court thereof may agree to pay for such purpose. But to any proceeding under this section, sections nine hundred and eighty-nine and nine hundred and ninety-one shall be applicable in like manner as to a proceeding for keeping in order a road.

§ 1345. Brand to be required.—Every person rafting or floating logs

in said river shall have his brand or mark recorded in the office of the county clerk, in a book kept by the clerk for the purpose. And the certificate of such clerk shall be prima facie evidence of such brand or mark. The clerk shall be entitled to a fee of twenty-five cents for recording the same, and twenty-five cents for a copy thereof.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 566.—An ACT to establish a rule of evidence in actions of ejectment and unlawful entry, or detainer involving the location of reservations within the exterior boundaries of grants or other conveyances.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That on the trial of any action of ejectment, or unlawful entry or detainer, where it appears from the evidence that the land in dispute, or any portion thereof, is embraced within the exterior boundaries of a grant or other conveyance under which the plaintiff claims his title, which grant or other conveyance reserves one or more parcels of land within said boundaries from the operation thereof, but without sufficient description of said reserved land on the face thereof, or by reference on the face thereof to other grants or conveyances of public record, containing such sufficient description, by courses and distances, natural boundaries or land marks, or otherwise of such reserved land, as will enable the same to be readily and accurately located by a competent surveyor, the plaintiff shall be entitled to recover so much of said land within said exterior lines, as does not appear by a preponderance of the evidence to be within the limits of any such reservation, and as he would otherwise be entitled to recover if such grant or other conveyance had contained no such reservation: provided, that this act shall not apply where it shall appear from the evidence that the defendant is in possession of such reserved land under claim of title thereto.

CHAP. 567.—An ACT to authorize the school board of the city of Charlottesville to borrow money and to execute its bonds for said loan.

Approved December 18, 1903.

1. Be it enacted by the general assembly of Virginia, That the school board of the city of Charlottesville be, and the same is hereby, authorized and empowered to borrow a sum not exceeding eight thousand dollars, to be used in the construction and equipment of a public school building in said city.

2. And the said school board may execute its bonds for said loan and secure the payment of the same by a deed of trust on the said building and equipment; said bonds and deed of trust to be executed in the name of said board by its chairman and attested by its clerk.

3. This act shall be in force from its passage.

regulation of
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repealed -
Dec. 24, 1903
1904
why?

68.—An ACT to repeal an act entitled "an act to provide for the incorporation of associations or societies for charitable and benevolent purposes, or the care, custody, and maintenance of and for the prevention of cruelty to children," approved March 29, 1902.

Approved December 18, 1903.

Be it enacted by the general assembly of Virginia, That an act entitled "an act to provide for the incorporation of associations or societies for charitable and benevolent purposes, and for the care, custody, maintenance of and for the prevention of cruelty to children," approved March twenty-ninth, nineteen hundred and two, be, and the same hereby, repealed.

This act shall be in force from its passage.

569.—An ACT to repeal sections 2842, 2843, 2845, 2846, 2848, 2849, 2850, and 2851 of the Code of Virginia.

Became a law without the governor's signature December 24, 1903.

Be it enacted by the general assembly of Virginia, That sections eight hundred and forty-two, twenty-eight hundred and forty-three, twenty-eight hundred and forty-five, twenty-eight hundred and forty-six, twenty-eight hundred and forty-eight, twenty-eight hundred and forty-nine, twenty-eight hundred and fifty, and twenty-eight hundred and fifty-one of the Code of Virginia be, and the same are hereby, repealed.

This act shall be in force from its passage.

570.—An ACT to repeal an act of the general assembly of Virginia, entitled "an act regulating the grant of franchises, etc., by cities and towns, and providing for the advertisement thereof and the public reception of bids therefor; and providing for the enforcement of the obligations of the grantees, grantors, or owners of franchises, and providing penalties for the usurpation or violation of the terms of the provisions of franchises," approved April 7, 1903.

Approved December 24, 1903.

Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, entitled "an act regulating the grant of franchises, et cetera, by cities and towns, and providing for the advertisement thereof and the public reception of bids therefor, and providing for the enforcement of the obligations of the grantees, grantors, or owners of franchises, and providing penalties for the usurpation of or violation of the terms of the provisions of franchises," approved April seventh, nineteen hundred and three, be, and the same is hereby, repealed.

This act shall be in force from its passage.

CHAP. 571.—An ACT to amend and re-enact an act approved May 15, 1903, entitled "an act to amend and re-enact sections 4 and 11 of an act entitled 'an act to incorporate the town of Hampton, in Elizabeth City county, Virginia,' approved May 23, 1887, as amended by an act entitled 'an act to amend and re-enact sections 3 and 4 of the charter of the town of Hampton,' approved March 3, 1898."

Became a law without the governor's signature December 26, 1903.

1. Be it enacted by the general assembly of Virginia, That an act approved May fifteenth, nineteen hundred and three, entitled "an act to amend and re-enact sections four and eleven of an act entitled 'an act to incorporate the town of Hampton, in Elizabeth City county, Virginia,' approved May twenty-third, eighteen hundred and eighty-seven, as amended by an act entitled 'an act to amend and re-enact sections three and four of the charter of the town of Hampton,' approved March third, eighteen hundred and ninety-eight," be amended and re-enacted to read as follows:

§ 4. There shall be elected on the second Tuesday in June, nineteen hundred and three, and every two years thereafter, two electors from each ward, who shall be denominated the councilmen of the said town; and there shall also, at the same time, be chosen by the electors of the said town of Hampton, a mayor of the said town, who shall be an elector thereof. The mayor and the councilmen shall constitute the council of the said town; they shall enter upon the discharge of the duties of their respective offices on the first day of September next succeeding their election, and shall continue in office until their successors are elected and qualified: provided, that in the event any vacancy shall exist in the office of mayor or councilman, by reason of death, resignation, removal, or otherwise, such vacancy shall be filled for the unexpired term by a vote of the majority of the remaining members of the council.

§ 11. There shall be elected by the qualified voters of the said town on the second Tuesday in June, nineteen hundred and five, and every two years thereafter, a town treasurer, who shall be an elector of the said town, and who shall enter upon the discharge of the duties of his office on the first day of September next succeeding his election. He shall continue in office until his successor is elected and qualified, and shall collect and keep all funds and other moneys belonging to the town, and pay out the same on the order of the town council, attested by the town clerk. The said treasurer, before entering upon the discharge of the duties of his office, shall give a bond in the penal sum of twenty-five thousand dollars, with security, to be approved by the town council, payable to the town of Hampton, Virginia, and conditioned upon the faithful performance of his duties; and the said town council may require and accept either personal security or a guaranty or security company, doing business in the State of Virginia, as surety. He shall receive no salary, but his compensation for the performance of his duties shall be a commission of five per centum of the moneys collected from all sources, except on the proceeds of bonds issued by the town, upon which amounts collected as the proceeds from the sale of bonds issued by the town he shall receive a commission of two per centum only; and money loaned by the town, and subsequently paid, upon which he shall receive a commission of five per

centum on the interest collected thereupon only; and if any vacancy exist in the office of town treasurer, whether by death, resignation, removal, or otherwise, the said office shall be filled by the town council for the unexpired term; and,

Whereas, Alonza A. Patrick was duly elected treasurer of the town of Hampton on the ninth day of June, nineteen hundred and three, but failed to qualify as such prior to the first day of September, nineteen hundred and three; and on the sixteenth day of September, nineteen hundred and three, he was appointed by the county court to fill the vacancy, which, in the judgment of the said court, existed in the said office by reason of his failure to qualify prior to the first day of September, nineteen hundred and three; and the supreme court of appeals of Virginia refuses a writ of mandamus to compel the county treasurer of Elizabeth City county, who had theretofore been ex-officio treasurer of the town of Hampton, to turn over and surrender the books, papers, moneys, and properties belonging to the town to the said Alonza A. Patrick; and the said Alonza A. Patrick, having in all respects complied with the provisions of the act hereby amended, except as to the date of his qualification, the said Alonza A. Patrick is hereby confirmed as town treasurer of the town of Hampton, to hold office as such until the first day of September, nineteen hundred and five, and thereafter until his successor has duly qualified; and the acts of the said Alonza A. Patrick, as de facto treasurer of the town of Hampton, are hereby ratified and confirmed.

2. This act shall be in force from its passage.

CHAP. 572.—An ACT to confirm the proceedings of the common council of the city of Newport News relating to the issue and sale of \$56,000 bonds of the city for paving purposes.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That all proceedings of the common council of the city of Newport News had or taken in relation to two certain ordinances passed October sixth, nineteen hundred and three, and November third, nineteen hundred and three, providing for the issue and sale of fifty-six thousand dollar bonds for paving purposes be, and they are hereby, ratified, approved, and confirmed, and the said bonds may be issued accordingly.

2. This act shall be in force from its passage.

CHAP. 573.—An ACT to repeal an act entitled an act to fix the times of holding regular sessions of the boards of supervisors of Warren, Page, Clarke, Shenandoah, and Frederick, approved May 20, 1903.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to fix the times of holding regular sessions of the boards of supervisors of Warren, Page, Clarke, Shenandoah, and Frederick, ap-

proved May twentieth, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 574.—An ACT to authorize the exchange of lots between the Benevolent and Protective Order of Elks and the county of Albemarle.

Approved December 31, 1903.

Whereas, it appears that the board of supervisors for Albemarle county desire to exchange a portion of the lot on High street, in the city of Charlottesville, belonging to the county of Albemarle, for a portion of the lot belonging to the trustees of the Charlottesville Lodge, number three hundred and eighty-nine, Benevolent and Protective Order of Elks;

1. Be it, therefore, enacted by the general assembly of Virginia, That said exchange is authorized to be made, and that so soon as the terms of exchange are agreed upon between the said board of supervisors and said trustees, then the said board is authorized to appoint some one in its behalf and in behalf of said county to execute the deed of exchange, and the said trustees for said lodge are authorized, in behalf of said lodge, to unite in said deed of exchange, so soon as said lodge shall have, by resolution, at any regular or special meeting, ratified said exchange; and that a deed of exchange so executed shall pass the legal title to the respective pieces of real estate thereby conveyed.

2. This act shall be in force from its passage.

CHAP. 575.—An ACT to repeal an act approved March 28, 1903, entitled "an act to provide for changing the boundaries of wards in cities; and for increasing or diminishing the number thereof."

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to provide for changing the boundaries of wards in cities and for increasing or diminishing the number thereof," approved March twenty-eighth, nineteen hundred and three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 576.—An ACT to amend and re-enact chapter 49 of the Code of Virginia, relating to savings banks.

Approved December 31, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter forty-nine of the Code of Virginia, relating to savings banks, be amended and re-enacted so as to read as follows:

§ 1174. Savings banks, how incorporated.—Savings banks, savings institutions, and savings societies may be incorporated according to the provisions of chapter one of an act entitled “an act concerning corporations,” which became a law May twenty-first, nineteen hundred and three, and shall be subject to all the restrictions and shall have all the general powers in the said act contained, except as otherwise provided in this chapter and in chapter forty-eight.

§ 1175. What savings banks are subject to this chapter.—Every savings bank, savings institution, and savings society which, since the act of the twenty-fourth day of March, eighteen hundred and thirty-eight, has been, or hereafter may be, incorporated, shall be subject to and governed by the provisions of this chapter, so far as the said provisions are not in conflict or inconsistent with the charter of such bank, institution, or society heretofore incorporated, and shall, moreover, be subject to and governed by the general provisions of the act entitled “an act concerning corporations,” which became a law May twenty-first, nineteen hundred and three, not in conflict with this chapter, and shall be subject to and governed by any future laws which may be passed to repeal, alter, or modify the provisions of the said act or of this chapter.

§ 1176. Directors and their number.—The affairs of such bank, savings institution, or savings society shall be managed by a board of directors to consist of not less than five persons. The five persons first named in the certificate incorporating such bank, institution, or society shall constitute the first board of directors thereof. They shall continue in office until the first meeting of the members. At such first meeting and at every annual meeting thereafter, directors shall be elected who may be removed by the members in general meeting, but unless so removed shall continue in office until their successors shall be elected. The number of the directors may be fixed by the certificate of incorporation or by-laws, and may be increased at any general meeting of the members.

§ 1177. Appointment of president and other officers.—The directors shall appoint one of their body president, and may fill any vacancy occurring in the board unless it be by removal, in which case the members shall fill the same in general meeting. The board shall appoint (to hold during its pleasure) the subordinate officers and agents, prescribing their compensation, and taking from them such bonds, with surety, as it may deem fit.

§ 1178. Powers and duties of board.—The board shall regulate the admission of members, and furnish proof of their admission. It may receive money on deposit and grant certificates therefor; but no certificate shall be for less than one dollar, and it may buy, sell, draw, or negotiate bills of exchange. The board may also make by-laws and regulations for the management of the property of the bank, institution, or society, and conduct of its business, and pay its expenses, subject always to the power of the members in general meeting to repeal or modify such by-laws and regulations, and make others.

§ 1179. How amount of certificate of deposit recovered.—If any certificate of deposit be presented for payment at the time and in the manner mentioned therein, and be not then paid, with all the interest due thereon, the depositor, his personal representative or assigns, may, by

warrant or motion (according to the amount), recover from the bank, institution, or society the whole amount due for principal and interest at the time of the certificate being presented, with interest on the whole at the rate of ten per centum per annum from that time until payment.

§ 1180. How funds of bank to be invested.—The money received on deposit and other funds of the bank, institution, or society may be invested in or loaned on any stocks or real security, or be used in purchasing or discounting bonds, bills, notes, or other paper, subject to the following restrictions: That no security for money or other valuable thing which may have become payable, other than bonds or certificates of debt of this State, or of the United States, or of corporations, shall be purchased for less than the full value thereof, with all interest due thereon; and no debt or claim to become due, other than such bonds or certificates, shall be purchased or discounted at a rate of discount or interest exceeding the rate of one-half of one per centum for thirty days; but the interest in any case may be received in advance.

§ 1180a. Increase of capital stock.—The capital stock of any such bank, institution, or society may be increased from time to time to the maximum prescribed in its charter or certificate of incorporation, and where there is no maximum so prescribed, then by amendment to its charter or certificate of incorporation, as provided in chapter one of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 577.—An ACT to provide for the election of justices of the peace, and their jurisdiction, in cities in which, by the terms of their charters, no provision is made for the election of justices of the peace.

Approved January 2, 1904.

1. Be it enacted by the general assembly of Virginia, That in every city of this Commonwealth in which, by the terms of its charter, no provision is made for the election of justices of the peace, there shall be elected by the qualified voters of each ward of any such city, one justice of the peace, who shall hold office for the term of four years, and until his successor is elected and qualified, unless sooner removed from office. The said justices shall be conservators of the peace within the corporate limits of the cities for which they are respectively elected, and within one mile beyond the corporate limits thereof; and within such limits shall possess the jurisdiction and exercise the powers conferred upon justices of the peace under the laws of this Commonwealth, except that nothing herein contained shall be construed as vesting in such justices any portion of the jurisdiction given by law to police justices of the cities of this Commonwealth.

2. This act shall be in force on February first, nineteen hundred and four.

CHAP. 578.—An ACT to amend and re-enact chapter 48 of the Code of Virginia, as amended by an act entitled an act to amend and re-enact sections 1165 and 1166 of chapter 48 of the Code of Virginia, prescribing qualifications of bank directors, approved February 29, 1888, and by an act entitled an act to repeal section 1168 of chapter 48 of the Code of 1887, fixing a limitation on banking associations in discounting accommodation paper to one-tenth part of the capital stock of such association actually paid in, approved March 2, 1888, and by an act entitled an act to amend and re-enact section 1163 of the Code of Virginia, in relation to banks holding real estate, approved February 15, 1894, and by an act entitled an act to amend and re-enact section 1170 of the Code of Virginia, in relation to statements made by banks, approved January 22, 1898.

Approved January 4, 1904.

1. Be it enacted by the general assembly of Virginia, That chapter forty-eight of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact sections eleven hundred and sixty-five and eleven hundred and sixty-six of chapter forty-eight of the Code of Virginia of eighteen hundred and eighty-seven, prescribing qualifications of bank directors," approved February twenty-ninth, eighteen hundred and eighty-eight, and by an act entitled "an act to repeal section eleven hundred and sixty-eight of chapter forty-eight of the Code of Virginia, fixing a limitation on banking associations in discounting accommodation paper to one-tenth part of the capital stock of such association actually paid in," approved March second, eighteen hundred and eighty-eight, and by an act entitled "an act to amend and re-enact section eleven hundred and sixty-three of the Code of Virginia, in relation to banks holding real estate," approved February fifteenth, eighteen hundred and ninety-four, and by an act entitled "an act to amend and re-enact section eleven hundred and seventy of the Code of Virginia, in relation to statements made by banks," approved January twenty-second, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

CHAPTER XLVIII.

Of Banks of Discount and Deposit.

§ 1154. Banks and banking institutions; how incorporated; by what laws governed.—Banks of discount and deposit, and corporations formed for the conduct of a general banking business, may be incorporated according to the provisions of chapter one of an act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, and shall be subject to all the general duties and restrictions, and shall have all the general powers, in the said act contained, except as otherwise provided, in this chapter.

All banks and banking institutions (including savings banks, savings societies, and savings institutions), now chartered and existing, or that may hereafter be chartered, under the laws of the State of Virginia, shall be governed by the provisions of this chapter, and, so far as not in conflict with this chapter, the provisions of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, except so far as may be otherwise expressly provided in the charter of such bank or banking institution, heretofore incorporated, and except as to any savings bank, savings society, or sav-

ings institution, so far as said provisions are not inconsistent with the provisions of chapter forty-nine.

§ 1155. Their general powers.—Every such bank or banking institution shall have power to adopt and use a common seal, and to break or alter the same at its pleasure; to make contracts; to sue and be sued in every court of law or equity, as fully as natural persons; to elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers; defining their duties, requiring bonds of them, and fixing the penalty thereof; dismissing such officers, or any of them, at pleasure, and appointing others to fill their places.

§ 1156. By-laws.—Every such bank and banking institution shall have power to prescribe, by its board of directors, by-laws not inconsistent with the laws of this State or the laws of the United States, regulating the manner in which its stock shall be transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed. By-laws made by the directors may be altered or repealed by the stockholders at any annual or general meeting.

§ 1157. Directors and their number.—The affairs of such bank or banking institution shall be managed by a board of directors, to consist of not less than five persons. The number of directors may be increased at any annual meeting of the stockholders. A majority of the directors shall be citizens of this State.

§ 1158. Restrictions on discount by director of paper refused by his bank.—No director of a bank shall, directly or indirectly, purchase or discount at a rate of interest exceeding that which the bank might demand, any note or bill which the bank whereof he is a director has refused to discount, knowing of such refusal.

§ 1159. The election of president; how often directors to meet.—The directors of such bank or banking institution, as soon as may be after their first election, and after every annual election of directors, shall elect from their own body a president, who shall act until his successor is elected or appointed, and shall also elect or appoint, as the case may be, such other officer as may be prescribed by the by-laws. The board of directors shall hold meetings at least once a month.

§ 1160. Settlement of cashier's accounts.—The directors shall, once in three months at the least, cause an examination to be made of the moneys of the bank, and a settlement to be made of the accounts of the cashier, a statement of which examination and settlement shall be recorded with the proceedings of the board.

§ 1161. Kind of business banks may do; powers they may exercise.—Every such bank or banking institution shall have power to exercise, by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking: by discounting and negotiating bills of exchange, promissory notes, drafts, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion, and by loaning money on real and personal security, or collateral; by guaranteeing the payment of bonds, bills, notes, and other obligations; by rediscounting paper; and in purchasing and selling all stocks and bonds.

§ 1162. How banks may use their deposits and other funds.—Every such bank or banking institution shall have power to use money it may

receive on deposit, and its other funds, in the manner prescribed in the preceding section.

§ 1163. For what purposes banks may purchase, hold, and convey real estate.—Every such bank or banking institution may purchase, hold, and convey real estate for the following purposes, and for none other:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged or otherwise encumbered to it in good faith, by way of security for debts contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, mortgages, or deeds of trust held by it, or shall purchase to secure debts due to it. But no such bank or banking institution shall hold the possession of any real estate under mortgage or other encumbrances, or the title and possession of any real estate, purchased to secure any debts due to it, for a longer period than fifteen years.

§ 1164. No loan to be made on stock until paid for.—No loan shall be made by a bank or banking institution to a stockholder therein, on the security of his shares of stock, in such bank or banking institution, until such shares are fully paid according to the terms and conditions of the subscription agreement.

§ 1165. Directors must be stockholders.—Every director of a bank or banking institution must own, in his own right, at least one hundred dollars at par value of the capital stock of the bank or banking institution of which he is a director. Any director who ceases to be the owner of one hundred dollars of the capital stock, or becomes in any other means disqualified, shall thereby vacate his office.

§ 1166. Oath of directors.—Each director of a bank or banking institution chartered under the laws of this State and doing business therein, when appointed or elected, shall take an oath, so far as the duty devolves on him, that he will diligently and honestly administer the affairs of such bank, and that he is the owner, in good faith, in his own right, of at least one hundred dollars at par value of the capital stock of the said bank, and that the same is not hypothecated, or in any way pledged as security for any loan or debt. Such oath, subscribed by the director making oath and certified by the officer before whom it is taken, shall be transmitted by the cashier of the said bank to the State corporation commission to be filed and preserved in the office of the said commission.

§ 1167. The election of directors; vacancies; how filled.—The directors shall be elected at the annual meeting of the stockholders, and all directors shall hold office for the term prescribed in the certificate of incorporation, or by-laws, and shall remain in office until their successors are elected and qualified, subject to the provisions of section eleven hundred and sixty-five. Any vacancy in the office of director shall be filled by appointment by the remaining directors, and any director so appointed shall hold office until the next election, unless sooner removed for cause, or his office becomes vacant under the provisions of this chapter.

§ 1168. Surplus fund; dividends.—There shall be no dividend of profits of a higher rate than six per centum per annum on the capital

stock paid in until the bank shall have a surplus or contingent fund arising from the profits of, at least, five per centum of its capital. Nor shall any dividend of profit be made by which such fund is reduced below the said five per centum.

§ 1169. Statements to be rendered to the State corporation commission and published; State corporation commission to furnish forms; when to cause examination of bank.—Every joint stock company, and every bank and banking institution (including savings banks, savings societies, and savings institutions), now chartered, or that may hereafter be chartered, under the laws of the State of Virginia, and doing a banking business therein, shall annually make to the State corporation commission statements of its financial condition at such times as the said commission may, by its rules, prescribe, identically as the national banks, organized under the laws of the United States, are required to make their statements to the controller of the currency; and also publish such statements in condensed form, as published by the said national banks, in some newspaper printed in the county, city, or town where such banking business is carried on, or where the principal office of the said company, bank, banking institution, savings bank, savings society, or savings institution is located; and if there be no such paper published in such county, city, or town, then a newspaper published in the county, city, or town nearest thereto. The statement shall be made in accordance with forms prescribed by the State corporation commission, certified, under oath, by the president or cashier of the bank, and attested by at least three of its directors. It shall be the duty of the State corporation commission to call upon such companies, banks, banking institutions, savings banks, savings societies, and savings institutions for the statements hereinbefore mentioned, and at the time prescribed, and to have prepared such forms as may be necessary to carry out the provisions of this section. Whenever calls for statements are made by the State corporation commission, it shall forward to each company, bank, banking institution, savings bank, savings society, or savings institution, heretofore or hereafter incorporated under the laws of this State, and doing business therein, two blank forms, one of which, after being properly filled out and certified, as hereinbefore required, shall be returned to the State corporation commission within thirty days next succeeding the date of such call, and the other, filled out in like manner, shall be filed in such bank, banking institution, savings bank, savings society, or savings institution. The State corporation commission shall, not less than once in each and every year, and at such other times as they may deem necessary, cause to be examined each and every such bank, banking institution, savings bank, savings society, or savings institution, heretofore or hereafter designated as a State depository. All expense incident to such examination shall be borne by the bank or institution so examined. The State corporation commission shall also, upon written application made to them by the stockholders representing one-fifth of the amount of the capital stock of any such bank, banking institution, savings bank, savings society, or savings institution, doing business in this State, or whenever in the judgment of the corporation commission it may be necessary so to do for the protection of the public, or persons depositing or dealing with any such joint stock company, bank, banking institution, savings

bank, savings society, or savings institution, appoint some competent person to make a special examination, in person, into its condition and to report the same to the commission. All expense incident to such examination shall be borne by the bank or institution so examined. If, upon any such examination, it shall appear to the State corporation commission that any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution, which is a designated State depository, is insolvent or unable to meet its obligations and legal demands upon it in the ordinary course of its business, the said commission shall forthwith notify the auditor of public accounts and the treasurer of the Commonwealth, who shall discontinue further deposits therein of State funds, and take such action as may be necessary to protect the deposits of the State therein; and in any case the corporation commission may, and it shall be its duty, whenever in its judgment it may be necessary for the protection of the interest of the State, or of the depositors and creditors of any joint stock company, bank, banking institution, savings bank, savings society, or savings institution, doing banking business in this State, to apply to any court in this Commonwealth having jurisdiction to appoint receivers of corporations, for the appointment of a receiver to take charge of the business, affairs, and assets, and to wind up the affairs and business of any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution, so found upon examination to be insolvent or unable to meet its obligations and legal demands upon it in the ordinary course and conduct of its business as aforesaid.

§ 1170. Penalty for failure to report; false statement by officer a felony.—Any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution failing to comply with the provisions of the preceding section for a period longer than thirty days after being called upon by the State corporation commission for such statement, shall be fined not less than one hundred dollars nor more than one thousand dollars. The State corporation commission shall give notice of such default in a newspaper published as provided in the preceding section; and any officer of any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution, who knowingly makes a false statement of the condition of any such bank, shall be deemed guilty of a felony, and upon conviction shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned in the penitentiary not less than one nor more than ten years.

§ 1171. Penalty for receiving deposits when bank insolvent.—Any officer or employee of any bank, banking institution, savings bank, savings society, or savings institution, who shall take and receive money from a depositor with the actual knowledge that the said bank, banking institution, savings bank, savings society, or savings institution is, at the time, insolvent, shall be guilty of embezzlement, and shall be punished by a fine double the amount so received and imprisoned not less than one or more than three years in the penitentiary for each offense. Any officer of any bank, banking institution, savings bank, savings society, or savings institution, who shall permit money to be received from a depositor with the actual knowledge that the said bank, bank-

ing institution, savings bank, savings society, or savings institution is, at the time, insolvent, shall be guilty of embezzlement, and shall be punished by a fine double the amount so received and imprisoned for not less than one nor more than three years in the penitentiary for each offense. On the trial of any indictment under this section, it shall be the duty of any such bank, banking institution, savings bank, savings society, or savings institution, their agents or officers, to produce in court, on demand of the attorney for the Commonwealth, all books and papers of such bank, banking institution, savings bank, savings society, or savings institution, to be read as evidence on the trial of such indictment: provided, that in determining the question of the solvency of any such bank, banking institution, savings bank, savings society, or savings institution, the capital stock thereof shall not be considered as a liability due by it.

§ 1172. Inspection of banks by the general assembly.—There may, at any time, be an inspection of the books and examination into the proceedings of any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution, by a joint committee of the two houses of the general assembly, or a committee of either house, or one or more commissioners appointed by the general assembly.

§ 1173. General assembly may repeal charters or modify laws.—The general assembly reserves the right, at its pleasure, to repeal the charter of any such joint stock company, bank, banking institution, savings bank, savings society, or savings institution, and to repeal, alter, or modify the provisions of this chapter.

2. This act shall be in force from its passage.

CHAP. 579.—An ACT to amend and re-enact section 143 of an act entitled “an act to raise revenue for support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution,” approved April 16, 1903.

Approved January 6, 1904.

1. Be it enacted by the general assembly of Virginia, That section one hundred and forty-three of an act entitled “an act to raise revenue for support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution,” approved April sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

Liquor License.

§ 143. No person, corporation, company, firm, partnership, or association shall, within the limits of this State, engage in the business of rectifying or of manufacturing or distilling malt or alcoholic liquors, other than wine, or sell, or offer to sell, by sample or representation or otherwise, wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits,

either by wholesale, retail, or to be drunk at the place where sold, or in any way, without first having obtained license therefor; nor shall the license confer the privilege of selling in any way, except in the manner hereinafter provided. And all mixtures, preparations, and liquids (except pure apple cider) which will produce intoxication shall be deemed ardent spirits within the meaning of this section. A license to sell by wholesale shall only include the privilege to sell in quantities of five gallons or more, except that wholesale dealers in malt liquors may have the privilege of selling by bottles and jugs in quantities of not less than one dozen to licensed retail dealers only. A license to sell by retail shall include only the privilege of selling in quantities not exceeding five gallons at any time to any individual, which shall include both the privilege of selling to be delivered to the purchaser in bottles, jugs, demijohns, or other vessels, and the privilege of being drunk at the places where sold. A license to keep an ordinary or hotel shall confer all the rights and privileges of a retail liquor dealer. Under a license to keep a malt liquor saloon, malt liquors, or any mixture thereof, may be sold to be drunk where sold, but shall not be taken away from the place of sale. Any person desiring to carry on the business of a wholesale liquor dealer, and also that of a retail liquor merchant, shall obtain a separate license for each and comply with all the provisions of this section in relation to both privileges. A violation of the provisions of this section shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty dollars, and, in the discretion of the court, by imprisonment not exceeding twelve months: provided, that nothing in this section shall prevent wholesale confectioners from selling fruits preserved in ardent spirits, nor breweries from selling beer direct to consumers at their homes.

Licenses required by this section shall be obtained from the county, circuit, or corporation court of the county or city in which the business is to be conducted, except that the license to sell wine, ardent spirits, malt liquor, or any mixture thereof, by retail, upon any steamboat, canal boat, ship, barge, or other vessel at any wharf or landing, or upon any river, creek, sound, or any of the other waters of this Commonwealth (other than vessels regularly engaged in plying the waters of the Atlantic ocean), shall be obtained on the certificate of the county, circuit, corporation, or hustings court of some county or city within the limits and jurisdiction of which such steamboat, canal boat, ship, barge, or other vessel usually plies or is usually stationed, and the license to a sample liquor merchant shall be obtained on the certificate of circuit, corporation, or hustings court of some city of the State, but when so obtained the license shall carry the privilege of selling anywhere in the State. The clerk of the court granting the certificate to certify to the genuineness of the license under the seal of the court. Any person, firm, company, corporation, partnership, or association desiring to obtain a license such as is required in any of the cases specified in this section shall make a written application therefor to a commissioner of the revenue of the county or city from the circuit, county, or corporation or hustings court of which a certificate is required. Such application shall state the name of the applicant, the residence of the applicant, the nature of the business for which the license is desired, the place where it is proposed to be prose-

cuted, and the amount required by law to be paid for the privilege of such license. Upon such application shall be endorsed the certificate of the treasurer of such county or city that the amount so required has been deposited with him by the applicant in gold or silver coin, United States treasury notes, or national bank notes.

When such application has been endorsed by the commissioner of the revenue, "Referred to the corporation court of the city of ———," as the case may be, or when in towns of over five hundred inhabitants, based on the last United States census, in which police protection is afforded, or when application is made by any person, partnership, or corporation owning or operating a hotel at a health resort having a natural mineral spring or situated by the sea or any large body of salt water connected therewith, or when such application is made for license to be exercised in any community in a county contiguous to a city, though such community be not incorporated, having on the fifteenth day of March, nineteen hundred and three, police protection paid for by the public, and wherein the court upon evidence is satisfied that there is within a radius of one-half of a mile of the place where such business is proposed to be conducted five hundred or more inhabitants, and wherein licenses for the sale of liquor have been granted during the twelve months next prior to the passage of this act: provided, that no part of any city or incorporated town or of any other county shall be included within such radius; or when any application for a license is made by any manufacturer or distiller of alcoholic liquors, such application has been endorsed by the commissioner of the revenue, "Referred to the county court of ——— county," until February first, nineteen hundred and four, and after that time it has been endorsed, "Referred to the circuit court of ——— county," as the case may be, the applicant shall present the application so endorsed to the corporation, county, or circuit court whose certificate is required, and said court shall thereupon hear such evidence as may be introduced for or against the application and hear and determine the question of granting the same. It shall be lawful for any person who may consider that he would be aggrieved by granting such license to have himself entered and made a party defendant to said application and to defend and contest the same. If the court be fully satisfied, upon the hearing of the testimony for and against the application, that the applicant is a fit person to conduct such business, and that he will keep an orderly house, and that the place at which it is to be conducted is a suitable, convenient, and appropriate place for conducting such a business, the court may, upon the execution by the applicant of bond in the penalty of not less than two hundred and fifty nor more than five hundred dollars, with good security, conditioned for faithful compliance with all the requirements of this section, grant such license; and thereupon the commissioner of the revenue shall issue the same in such form as may be prescribed by the auditor of public accounts. In case an application is refused by the court, the applicant shall have refunded to him by the treasurer or other collecting officer the amount of money deposited by him. In all cases except those in this section before provided for, when such application has been endorsed by the commissioner of the revenue, "Referred to the county court of ——— county," until February first, nineteen hundred and four, and

after that time it has been endorsed, "Referred to the circuit court of _____ county," the applicant shall present the application so endorsed to the court whose certificate is required, and said court shall thereupon hear such evidence as may be introduced for or against the application, and hear and determine the question of granting the same: provided, however, that in all cases other than those hereinabove excepted, before any application for a license to sell by retail or to keep a malt liquor saloon or an ordinary shall be presented to any county court before the first of February, nineteen hundred and four, or to the circuit court after that time, the applicant shall, in addition to complying with all the other requirements of this section, first advertise his intention of making such application by posting a written notice of such intention at the front door of the courthouse of the county in which the business is proposed to be conducted, and also at the place where it is proposed to conduct the said business, for thirty days next preceding the day on which such application shall be presented to the said county court before the first of February, nineteen hundred and four, or to the circuit court after that time, and no court shall consider any such application until it shall have been first proved to its satisfaction that the notice required by this section has been so posted. It shall be lawful for any person who may consider that he would be aggrieved by the granting of such license to have himself entered and made a party defendant to said application and to defend and contest the same. If the court be fully satisfied upon the hearing of the testimony for and against the application that the applicant is a fit person to conduct such business, and that he will personally superintend the same, and will keep an orderly house, and that the place at which it is to be conducted is a suitable, convenient, and appropriate place for conducting such a business, and one at which police protection is afforded, and if it shall further plainly appear to the satisfaction of the court that a majority of the qualified voters of the district or town in which the privilege is sought to be exercised are in favor of the application, that the sale of ardent spirits at that place will not be contrary to a sound public policy or injurious to the morals or the material interest of the community, the court may, upon the execution by the applicant of bond in the penalty of not less than two hundred and fifty dollars nor more than five hundred dollars, with security conditioned for the faithful compliance with all the requirements of this section, grant such license; and thereupon the commissioner of revenue shall issue the same in such form as may be prescribed by the auditor of public accounts. But if the court shall not be fully satisfied that all of the requirements of this section have been complied with, it shall refuse to grant the license. Either party to such application shall, until the first of February, nineteen hundred and four, have the right to appeal from the order or judgment of the county court granting or refusing such application during the term at which the application is heard to the circuit court of said county. The judge of such circuit court shall take cognizance of such appeal, and may hear the same, either in term time or in vacation. And if he shall be clearly of opinion that all the requirements of this section have been fully complied with, may grant the license upon the terms herein prescribed; but if such requirements have not been fully complied with, he shall refuse the same,

and the decision of such circuit court, or of the judge thereof in vacation, shall be final, and no appeal, writ of error, or supersedeas shall lie thereto. And after February first, nineteen hundred and four, there shall be no appeal from the order of the circuit court on such application. The party of any such proceeding who shall substantially prevail shall, in cases where such applications are contested, be entitled to recover their costs from the opposite parties as in other civil cases. All bonds taken under this act shall contain the waiver of the homestead exemption of the obligors therein. In case an application be finally refused by the court, the applicant shall have refunded to him by the treasurer or other collecting officer the amount of money deposited by him: provided, however, that in any district in which a vote on the proposition of license or no license has been taken and decided affirmatively within the twelve months prior to the application, the court shall presume that the qualified voters are in favor of license: provided, however, that this section shall not be construed as repealing any special act prohibiting the sale or manufacture of ardent spirits in any county, district, or town; nor shall it be construed as allowing licenses to be granted in counties, districts, or towns during such periods as, under the operation of the local-option statutes, the result of elections held thereunder is against the granting of licenses to sell liquor: and provided, further, that any person, firm, or corporation who has heretofore been licensed as a retail liquor dealer, and having on hand a stock of liquor purchased before the passage of this act, who is by the operation of this act prevented from obtaining a renewal of such license, shall have for the period of thirty days after the passage of this act the privilege of disposing of the said stock of liquor at wholesale without being required to take out additional license.

The amount to be paid for a license for the privilege of selling by wholesale wine, ardent spirits, malt liquors, or any mixture of any of them, shall be three hundred and fifty dollars: provided, however, that if any wholesale dealer shall desire the privilege of selling malt liquors only, the specific amount to be paid by him for the privilege shall be one hundred and fifty dollars.

The specific sum to be paid for the privilege of selling by retail wine, ardent spirits, malt liquors, or any mixture of any of them, in the country or in towns or villages of one thousand inhabitants or less, or upon any vessel, shall be one hundred and seventy-five dollars, or in cities or towns or villages exceeding one thousand inhabitants, three hundred and fifty dollars.

The specific sum to be paid for the privilege of keeping an ordinary shall be as follows: In the country or in towns having a population of two thousand or less, one hundred and seventy-five dollars; and in towns or cities having a population of two thousand or more, three hundred and fifty dollars; and in either case there shall be paid an additional sum equal to eight per centum of the annual rent or rental value of the house and furniture used for the purpose of said ordinary up to one thousand dollars of such annual rent or value; and on the annual rent or rental value in excess of one thousand and under two thousand dollars, five per centum of such rental value, and three per centum of such value from two thousand dollars and upwards. Such annual rent and rental value

shall be determined by the actual rent of the house and furniture, and may exceed such rent, and if it is not rental property the commissioner shall determine the amount to be paid by what the probable rent would be. The commissioner may require the proprietor or tenant to state on oath what is the amount of such rent, or what would be a fair rent therefor. If the said proprietor or tenant refuse to state the same when so required, he shall pay a fine of five hundred dollars.

Any person who shall for compensation furnish diet for travelers, sojourners, or boarders in his house, or provender for a horse feeding in his stable or on his land (except a drove of live stock and persons attending it), and sell by retail wine, spirituous, or malt liquors, or any mixtures of them, shall be deemed to keep an ordinary, and shall constantly provide the same with diet for travelers, and, unless it be dispensed with by the court, with stabling and provender or pasturage and provender for their horses.

Any person who shall keep an ordinary or hotel without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same, but where the ordinary or hotel shall be kept open for but part of the year the tax shall be apportioned according to the time it is kept open.

Any person who shall for compensation furnish lodging, diet, and entertainment for travelers, sojourners, guests, or boarders in his house, and sell by retail wine, spirituous, or malt liquors, or any mixtures of them, shall be deemed to keep a hotel, and shall constantly provide the same for lodgings, diet, and entertainment for travelers and guests. The amount to be paid for the privilege of keeping a hotel is to be determined as follows:

The specific sum which shall be paid for the privilege of keeping a hotel, which privilege shall include the privilege of selling wine, ardent spirits, and malt liquors in such hotels, to be drunk where sold, and shall include the privilege of selling the same, or any mixture of any of them, by retail, not to be drunk where sold, shall be as follows:

In the country or towns having a population of one thousand or less, there shall be paid the sum of one hundred and seventy-five dollars, and in towns or cities having a population of more than one thousand there shall be paid three hundred and fifty dollars for this privilege; and in either case there shall be paid for this privilege an additional sum of one dollar per room for every room available in said hotel for the lodging and accommodation of travelers, sojourners, boarders, and guests who may patronize said hotel: provided, however, that the State licenses to the keepers of ordinaries or hotels, or to retail liquor dealers, located or whose places of business are situated within one-half a mile of the corporate limits of any city or town, who may be entitled to license under the provisions of this section, shall be the same as is imposed upon such keepers or dealers within the corporate limits of such city or town.

Any person who shall keep a hotel without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same; but when the hotel shall be kept open for but part of the year the tax shall be apportioned according to the time it is kept open.

The bond taken of a licensed dealer under this section shall be deemed

forfeited by his failure to pay any part of the amount required of him by this section, and any portion as to which there is such failure of payment may be recovered of him and his sureties, by motion or suit in any court having jurisdiction, and may moreover be collected by the treasurer in the manner that taxes are collected, and in the discretion of the court his license forfeited.

The amount required by this section to be paid for the licenses herein specified shall not be in lieu of any taxes on personal property actually employed in any of the branches of business specified in this section.

The specific amount which each rectifier shall pay for the privilege of carrying on his business shall be one hundred and fifty dollars, except that a manufacturer of ardent spirits may rectify spirits of his own manufacture without paying any additional sum for such privilege. Each rectifier who shall desire to sell, by wholesale or retail, spirits so rectified by him, shall pay for such privilege the same amount required to be paid by other wholesale and retail dealers in ardent spirits.

Any druggist who desires to sell wine, ardent spirits, or malt liquors, or any mixture thereof, or alcoholic bitters, shall take out a retail liquor dealer's license, and shall, in all respects, be deemed a retail liquor dealer, and be subject to the requirements of this section: provided, the provisions of this section shall not apply to liquor used by any druggist in the preparation of medicine. No alcoholic bitters, whether the same may have been manufactured in this State or elsewhere, shall be sold in this State by any person who has not obtained a license under this section to sell wine, ardent spirits, malt liquors, or any mixture thereof. Any person violating this provision shall be liable in all respects to the same penalties which are imposed by this section for selling wine, ardent spirits, malt liquors, or any mixture thereof, without a license therefor.

Every manufacturer or distiller of alcoholic liquors shall pay for said privilege, at the time his license is granted, a specific sum therefor, to be graduated and classified as follows: The manufacturer who shall mash and distill ten bushels or less per day, thirty dollars; ten bushels and less than twenty per day, fifty dollars; twenty bushels and less than thirty per day, seventy-five dollars; thirty bushels and less than forty-five per day, one hundred and twenty-five dollars; forty-five bushels and less than seventy-five per day, two hundred dollars; seventy-five bushels and less than one hundred per day, two hundred and fifty dollars; one hundred bushels and less than one hundred and fifty per day, three hundred dollars; one hundred and fifty bushels and less than two hundred per day, four hundred dollars; two hundred bushels and less than two hundred and fifty per day, four hundred and fifty dollars; two hundred and fifty bushels and less than three hundred per day, five hundred dollars; and on each one hundred bushels per day in excess of three hundred at the rate of two hundred dollars for each one hundred bushels so mashed per day. The above specific sums shall be paid before commencing his operations, and on the payment of such specific sum the manufacturer shall have the privilege of selling the liquors actually manufactured by him in quantities of not less than one gallon at the house where the same is manufactured: provided, further, that all liquors bought shall be taken away at the time bought from the place where sold. The manufacturer of alcoholic liquors by direct fermentation and distillation from pomace

or from cider or fruits, where the distillery is run less than three months, shall pay a specific sum of five dollars, but if the distillery is run more than three months and less than six the specific amount to be paid for the privilege shall be twenty dollars, and if run six months or more there shall be paid for the privilege fifty dollars. It shall be the duty of every licensed distiller who manufactures brandy from fruit to furnish the commissioner of revenue a copy of the returns made by him to the internal revenue assessor of the United States, and the commissioner of the revenue shall require said licensed distiller to make affidavit to the correctness of such return. On payment of the above sum the distiller of brandy shall have similar privileges in regard to the sale of brandy manufactured by him to those granted to distillers of whiskey. For the privilege of manufacturing malt liquors there shall be paid fifty dollars, and upon the payment of such specific sum the manufacturer shall have the privilege of selling the products of his brewing in quantities in excess of five gallons at any place within the State of Virginia; and the said manufacturer shall have the additional privilege of selling the products of his brewing in quantities not less than one gallon at the place of manufacture: provided, that any resident manufacturer of wine may have the privilege of selling wine of his own manufacture in quantities not less than one gallon without paying the license tax provided by this section.

The auditor of public accounts shall prescribe a form for licenses required by this section, which forms shall have printed on them in plain letters, at least one inch in length, in words and figures, the year when issued, the month when the license begins and expires, and also the class of license.

Every person obtaining any such license shall post the same in a conspicuous place in his office, if a wholesale liquor dealer; and if a retail liquor dealer or malt liquor saloon-keeper, shall post the same in the most conspicuous place about his bar or place of retailing, and shall expose the same to common observation; and any person failing to keep such license so conspicuously posted shall, on conviction, be fined not exceeding one hundred dollars.

It shall be the duty of the judges of the circuit, county, or corporation courts to give this section, and particularly the provisions thereof in reference to the sale of ardent spirits, wine, malt liquors, or any mixture thereof, in charge to the grand jury at every regular grand jury term of their respective courts, and to send before the grand jury the constables and the commissioner of the revenue, with the view of ascertaining whether any person in their counties, districts, or cities is engaged in the sale of liquors without a license as prescribed in this section.

No person shall sell wine, ardent spirits, or malt liquors, or any mixture thereof, by retail upon any steamboat, canal boat, ship, barge, or other vessel at any wharf or landing, or upon any river, creek, sound, or any of the other waters of this Commonwealth, without first having obtained a license therefor in accordance with this section: provided, that the amount required to be paid for such privilege to be exercised upon any such vessel shall be the lowest specific sum required in each case by the provisions of this section to be paid for such privilege: and provided, further, that the provisions of this section shall not apply to any steam-

ship or steamboat which is regularly engaged in plying the waters of the Atlantic ocean.

This section shall not be construed to repeal or in any wise change the provisions of the charter of any town or city in the State touching the granting of licenses.

Any person violating any of the provisions of or failing to comply with any of the requirements of this section shall, unless otherwise provided herein, be deemed guilty of a misdemeanor, and be fined not less than fifty dollars nor more than one hundred dollars for each offense, and in addition he may, in the discretion of the jury, be imprisoned not more than sixty days.

Any person who shall sell, or offer to sell, wine, ardent spirits, malt liquors, cider, or any mixtures of any of them, by sample or other representation, or any agent for the sale or collection of orders for wine, ardent spirits, malt liquors, cider, or any mixture of any of them, by sample or description, shall be deemed to be a sample liquor merchant. A sample liquor merchant's license shall be a personal privilege, and shall not be transferable, nor shall any abatement of the sum required to be paid be allowed. Any person, firm, or corporation who shall sell, or offer to sell, in violation of this section, shall pay a fine of five hundred dollars for the first offense and six hundred dollars for each succeeding offense, the informer to receive one-half of the fine so collected. No person, firm, or corporation licensed as a sample liquor merchant under this section shall be authorized to sell, except to some club, person, firm, or corporation licensed under this and the succeeding section.

The amount to be paid for the privilege of doing business as a sample liquor merchant shall be three hundred and fifty dollars, and no person, firm, or corporation shall permit any person, except a duly authorized agent or salesman, to sell under their license otherwise than for their exclusive use and benefit. No agent or salesman shall be permitted to sell, or offer to sell, as aforesaid, except he have with him at the time the license granted to the person, firm, or corporation from whom he acts, which license shall state the name of the person, firm, or corporation to whom the license was granted and the name of the agent or salesman using the same, and also a duly executed power of attorney constituting him such agent or salesman, which license and power of attorney shall be exhibited whenever required by any officer of the law or private citizen. For every agent or salesman employed to sell as aforesaid there shall be paid three hundred and fifty dollars. Sales of wine, ardent spirits, malt liquors, cider, or any mixture of any of them, by sample, shall be limited to sales by wholesale. Nothing in this section shall be construed to require any licensed wholesale liquor dealer who has paid his license as such (an amount of not less than three hundred and fifty dollars) to pay an additional amount for selling, or offering to sell, by sample, either by himself or agents: provided, that every such agent shall first apply to the court of some city for the certificate hereinbefore required. No person, firm, or corporation shall hire their license or allow the use of the same to any other person, firm, or corporation; and any person, firm, or corporation who shall so hire or allow the use of such license to any other person, firm, or corporation shall forfeit such license; and the person, firm, or corporation using such license shall pay a fine of three hundred

and fifty dollars for each offense: provided, that any person licensed as a manufacturer under this section may sell by sample, either in person or through his agents, provided the sales be by wholesale.

Nothing in this section shall be construed as licensing any person, firm, or corporation to sell wood alcohol, or any mixture thereof, as a beverage, and the sale of such wood alcohol, or mixture thereof, as a beverage is hereby prohibited.

Any person who sells alcoholic beverages of any description on Sunday shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned not less than fifteen days nor more than sixty days in jail, and the license at the place where the alcoholic beverages were sold on Sunday shall be revoked.

Any person who shall sell alcoholic beverages to a person under twenty-one years of age shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one hundred dollars, and the license at the place where the alcoholic beverages were so sold shall be revoked.

2. This act shall be in force from its passage.

CHAP. 580.—An ACT to amend and re-enact section 60, chapter 7, of the charter of the city of Portsmouth in relation to city officers.

Became a law without the governor's signature January 6, 1904.

1. Be it enacted by the general assembly of Virginia, That section sixty, chapter seven, of the charter of the city of Portsmouth, in relation to city officers, be amended and re-enacted so as to read as follows:

§ 60. There shall be one city treasurer, one collector of city taxes, one commissioner of the revenue, one city surveyor, one city auditor, one keeper of the almshouse; one physician of the almshouse, who shall be health officer; one city attorney, one physician for the poor; one city clerk, who shall be clerk of the council; one plumbing inspector, one chief engineer of the fire department, one street inspector, one clerk of the market; one wood measurer, who shall be weigher of hay and gauger of liquors and sealer of weights and measures; one keeper of the cemeteries, and one sanitary inspector, all of whom shall be elected by the qualified voters of the city of Portsmouth in the manner proscribed by law.

2. The city council of said city shall not recommend to the general assembly any change, repeal, or amendment of the provisions of this section until and except the question of such change, repeal, or amendment shall have been submitted to the qualified voters of said city at some general election and approved by a majority of the voters voting in said election.

3. This act shall be in force from its passage.

CHAP. 581.—An ACT to repeal an act of the general assembly of Virginia, entitled "an act to provide for the election of commissioners of the revenue for the counties of this State," approved March 28, 1903, and an act entitled "an act to provide for the election of commissioners of the revenue for the cities of this State," approved March 28, 1903.

Became a law without the governor's signature January 6, 1904.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, entitled "an act to provide for the election of commissioners of the revenue for the counties of this State," approved March twenty-eighth, nineteen hundred and three, and an act entitled "an act to provide for the election of commissioners of the revenue for the cities of this State," approved March twenty-eighth, nineteen hundred and three, be, and the same are hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 582.—An ACT to permit the netting of partridges in Henry county.

Became a law without the governor's signature January 6, 1904.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any person to net partridges on his own lands, or on the lands of others who may give him written permission to do so, in the county of Henry during the months of November, December, and January of any year.

2. All acts and parts of acts in conflict with this act, to the extent of such conflict, are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 583.—An ACT looking to the establishment of a State female normal school with industrial training.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That the speaker of the house of delegates shall appoint five members of the house of delegates and the president of the senate shall appoint five members of the senate, one member of the house of delegates and one member of the senate on said special joint commission to be appointed from each of the grand divisions of the State; and they be, and are hereby, created and appointed a special joint commission, and are hereby authorized and directed to investigate and to report to the general assembly all the facts, as far as they may be able to ascertain them, in connection with the establishment and location of another female normal school, and they are specially directed to report the names of such towns and cities as make special propositions, giving in detail, as far as practicable, the nature of the gifts, donations of grounds and buildings, bonds, or other valuables, and the natural advantages and drainage of the grounds, buildings, and

sites, hygiene of the vicinity, the water and lighting facilities, the railway and steamboat connections, and the approximate and relative cost of living. The said commission is hereby empowered to visit, to view, and to investigate the proposed gifts, donations, and sites, and to report on the same as above directed; and the auditor of public accounts is hereby authorized to draw his warrant upon the treasury for the necessary expenses of said special joint commission, upon the certificates signed by the chairman of said commission and attested by its clerk, and there shall be included in said expense a per diem of four dollars for each member of said commission for each day he may be actually engaged with the commission in making this investigation: provided, however, that the per diem paid to any member of the commission shall not exceed fifty dollars.

2. This act shall be in force from its passage.

CHAP. 584.—An ACT to validate all licenses for marriages issued by a clerk of a county court on or after December 12, 1903, and prior to February 1, 1904.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That every license for a marriage which shall have been issued by a clerk of a court of a county on or after December the twelfth, nineteen hundred and three, and every such license which may be issued by such clerk before the first day of February, nineteen hundred and four, is hereby made as valid and effective as if issued by the clerk of the circuit court of the county under the act approved December the twelfth, nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 585.—An ACT to amend and re-enact section 890 of the Code of Virginia, as heretofore amended.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and ninety of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§ 890. Sheriff of city of Richmond; his election, qualification, and bond; duties, powers, and liabilities.—There shall be elected at the election on Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, by the qualified voters of the city of Richmond, one sheriff, who shall, on or before the first day of January next succeeding his election, qualify before the circuit court of said city, or the judge thereof in vacation, and give bond, with surety, in such penalty as may be required by the said court or judge, so that the same be not less than twenty thousand nor more than fifty thousand dollars. If such qualification be in vacation, the certificate thereof and the bonds shall be returned to the clerk of the said circuit court, who

shall enter the said certificate in the order book of the said court and record the said bond. The said court may, whenever in its opinion it is necessary for the protection of the public interest, upon a rule awarded against such officer, require him to give a new bond, or an additional bond. If the said sheriff shall fail to qualify and give bond on or before the first day of January next succeeding his election, or shall fail to give a new bond or an additional bond within ten days after an order shall have been made requiring the same to be given, in either case his office shall be deemed vacant. Such new bond or additional bond may be given in court, or before the judge thereof in vacation, and when given in vacation the judge shall certify the fact and return the bond to the clerk of his court, who shall file and record the same in his office. The said sheriff shall attend the circuit, the law and equity court, and the chancery court of the said city, and act as the officer of said courts. He shall exercise the same powers, perform the same duties, have the same fees and compensation therefor, and be subject to the same penalties touching all process issued by said courts or by the clerks of said courts, or otherwise lawfully directed to him, that the sheriff of a county exercises, performs, and is entitled or subject to in his county.

2. This act shall be in force from its passage.

CHAP. 586.—An ACT to repeal so much of an act approved December 31, 1903, as repeals section 3525 of the Code of Virginia, and to amend and re-enact section 3525 of the Code of Virginia.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That so much of section two of an act approved December thirty-first, nineteen hundred and three, as repeals section thirty-five hundred and twenty-five of the Code of Virginia, be, and the same is hereby, repealed.

2. Be it further enacted, That section thirty-five hundred and twenty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3525. To sheriffs and sergeants.—For attending any circuit court, two dollars for each day. And the judge of any such court may allow any deputy, whose attendance he may deem necessary and require as an assistant to the principal office, such compensation as he may deem just and proper, not exceeding two dollars per day.

3. This act shall be in force from its passage.

CHAP. 587.—An ACT to amend and re-enact chapter 10 of the Code of Virginia, in reference to general and special elections; when and where to be held; regulations for their conduct and government; compensation for services in election.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That chapter ten of the Code of Virginia, in reference to general and special elections;

when and where to be held; regulations for their conduct and government, compensation for services in election, be amended and re-enacted so as to read as follows:

§ 109. General elections; when held.—There shall be held throughout the State, on the Tuesday after the first Monday in November in the counties and cities and on Tuesday after the first Monday in June in the cities and towns, general elections for all officers required to be chosen at such elections, respectively.

§ 110. Special elections; what, and when held.—Special elections shall be deemed to be such as are held in pursuance of a special law, and also such as are held to supply vacancies in any office, whether the same be filled by the qualified voters of the State or of any county, corporation, magisterial district, or ward, and the same may be held at such time as may be designated by such special law or the proper officer duly authorized to order such elections.

§ 111. Elections; where held.—Polls shall be opened at each place of voting prescribed by law in all counties, corporations, and election districts in which officers are to be elected by the people.

§ 112. Election districts; how constituted.—Each magisterial district of a county, and each ward of a city, shall severally constitute an election district, unless such magisterial district or ward be divided into more election districts than one, and the elections therein shall be held at such place or places as may be designated by the proper authorities appointed by law for that purpose. The election districts and voting places as now constituted shall so continue unless and until changed as hereinafter provided.

§ 113. How number increased or diminished, or boundaries altered.—Upon the petition of twenty qualified voters of a magisterial district of a county, the circuit court of such county may, in its discretion, alter the boundaries of any election district therein, and rearrange, increase, or diminish the number thereof, and it may change the voting places, or establish others therein, not to exceed, however, one voting place for each election district. When an order is entered under this section rearranging, increasing, or diminishing the number of election districts in a magisterial district, it shall be the duty of the court in its order to designate such new election district or districts by proper and well-defined boundaries. A copy of the order shall be posted, without delay, at the courthouse of the county, also at each new voting place established, and at any former voting place which may be affected by the change; provided, that no change shall be made in any of the said boundaries or voting places within thirty days next preceding any general election, nor until notice shall have been posted for thirty days at the front door of the courthouse and at each voting place in each election district to be affected by the said change.

§ 114. Councils of cities to establish election districts.—The council of a city shall establish for each ward as many election districts as it may deem necessary, and a voting place in each district (but so that there shall not be less than one election district for every one thousand voters or fractional part thereof above five hundred), and prescribe and cause to be published the boundaries of said districts; and it may alter the boundaries of any such election district, and rearrange, increase, or

diminish the number thereof, and change the voting places or establish others therein, not to exceed, however, one voting place for each election district: provided, that no change shall be made in any of the said boundaries or voting places within thirty days next preceding any general election.

§ 115. When special election ordered by governor, et cetera; how writ issued and notice given.—Whenever a special election is ordered by the governor, speaker of the house, or president of the senate, it shall be his duty to issue a writ of election, designating the office to be filled at such election and the time such election is to be held, and transmit the same to the sheriff of the county and the sergeant of the corporation in which such election is to be held, to be by such sheriff or sergeant published by posting a copy thereof at each voting place in his county or corporation at least ten days before such election.

§ 116. How in other cases.—Whenever a special election is ordered to fill a vacancy otherwise than under the preceding section, it shall be the duty of the officer ordering such election, at least twenty days before such election, to issue his writ of election, directed to the sheriff of the county or sergeant of the corporation in which the election is to be held, designating therein the office to be filled, and the time and place of holding the same; upon receipt of which such officer shall proceed to cause public notice to be given of such election in the same manner as is required in the preceding section.

§ 117. How judges of election appointed; failing to attend, who to act.—It shall be the duty of the electoral board of each city and county appointed as provided by section thirty-one of the Constitution, in May, nineteen hundred and four, and in each year thereafter, to appoint three competent citizens, being qualified voters, whose terms of office shall begin on the first of June following their appointment, who shall constitute the judges of election for all elections to be held in their respective election districts for the term of one year or until their successors are appointed, and shall at the same time appoint two clerks for each place of voting, whose terms of office shall be coincident with the judges, to whom shall be administered by the judges, or either of them, or by the officer swearing the judges, the same oath as that taken by the said judges. Whenever it is possible to do so, the persons so appointed judges of election shall be chosen for each voting place from persons known to belong to the two political parties casting the highest and next highest number of votes at the last preceding election, each of whom shall be able to read and write. The members of any electoral board who shall wilfully fail to comply with this requirement shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars; but no election shall be deemed invalid when the judges shall not belong to different political parties or shall not possess the above qualifications. Should any judge of election fail to attend at any place of voting for one hour after the time prescribed by law for opening the polls at such election it shall be lawful for the judge or judges in attendance to select from among the bystanders one or more persons possessing the qualifications of judges of election, who shall act as judge or judges of such election, and who shall have all the powers and authority of judges appointed by said electoral

board: provided, however, that if the judge or judges present have information that the absent judge or judges will not attend, he or they need not wait for the expiration of an hour or any other time. Should all the judges appointed for any place of voting fail to attend at the place of voting for one hour after the time prescribed by law for opening the polls at such election, it shall be the duty of any justice of the district in which the election is held, who shall be applied to for that purpose, or the mayor, if the election is in any election district in a town or a city, to appoint three judges of election for such election district, who shall possess the same qualifications and have the same powers as judges appointed by an electoral board. Should no judges of election be appointed for any county, city, or place of voting therein, or if appointed they neglect or refuse to act for one hour after the time prescribed by law for opening the polls at such election, it shall be lawful for any three qualified voters of the district, who shall be present and willing to act, upon taking the oath prescribed for judges of election, to proceed to hold, conduct, and certify the election in the manner provided in this chapter, and for that purpose shall have all the powers and authority of judges appointed by an electoral board, which shall include the power to appoint clerks if those chosen by the electoral board shall fail to attend or refuse to act.

§ 118. Qualification of judges and clerks.—No person shall act as a judge or clerk of any election who is a candidate for, or the deputy or employee of any person who is a candidate for, any office to be filled at such election, or who is the deputy of any person holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof. And before any judge or clerk of election shall enter upon the performance of the duties imposed upon him by law he shall take and subscribe an oath in the following form, to-wit: "I, A B, judge (or clerk) of the election (as the case may be), do solemnly swear (or affirm) that I will perform the duties of judge (or clerk) of the election (as the case may be) according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election. So help me God." If there is no one present authorized to administer oaths, the judges of election may administer to each other and to the clerks the oaths above provided.

§ 119. How and by whom poll books furnished.—It shall be the duty of the county clerk of the county, and the clerks of the corporation courts, on the first day of April and October in each year, to make out and transmit to the secretary of the Commonwealth a list of the number of election districts in their respective counties and corporations, together with the number of voters in such district; upon the receipt of which the secretary of the Commonwealth shall transmit to the said clerks, respectively, duplicate poll books or poll lists for each election district in their respective counties or corporations, of sufficient size to contain the names of all the voters therein.

§ 120. Form of poll books.—The following shall be the form of poll books to be kept by the judges and clerks of election:

Poll books of the election held in the county of _____ in the elec-

tion district of _____ (or in the election district of _____ ward of _____ city) in the year one thousand eight hundred and _____ A B, C D, _____ and E F, judges, and G H, clerk of said election, were respectively sworn (or affirmed) as the law directs previous to their entering on the duties of their respective offices.

Number and Names of Electors.

A B,	.....	No. 1.
C D,	.....	No. 2.
E F,	.....	No. 3.
G H,	.....	No. 4.

It is hereby certified that the number of electors at this election amounts to _____. And we further certify that _____ ballots were not counted because void.

Attest: .

A B,	} Judges.
C D,	
E F,	

G H,	} Clerks.
I G,	

Names of persons voted for, and for what office, containing the number of votes given for each candidate.

Governor.

Lieutenant-Governor.

Representatives in Congress.

A,—1,
B,—1,

C,—1,
D,—1,

E,—1,
F,—1,

Representatives in State Legislature.

Senate.

House of Delegates.

G,—1,
H,—1,

J,—1,
K,—1,

And such other officers as may be voted for at the said election.

We hereby certify that A had _____ votes for governor, and B had _____ votes for governor; that C had _____ votes for lieutenant-governor, et cetera.

A B,	} Judges.
C D,	
E F,	

G H,	} Clerks.
I G,	

§ 121. When polls opened and closed.—At all elections by the people, the polls shall be opened at each voting place at sunrise of the day on which the election is directed to be had, and closed at sunset of the same day.

§ 122. Elections to be by ballot.—Every elector shall vote by ballot, and each person offering to vote shall deliver a single ballot to one of the judges of election, in the presence of the other two judges. The ballot shall be a white paper ticket, without any distinguishing mark or symbol, and containing on one side the names of the candidates, and offices to be filled, in clear print and due and orderly succession, and the names of all persons voted for by an elector shall be on one ballot, and the form thereof shall be the same in all places when the same persons shall be voted for for the same offices; but any voter may erase any name on the ballot voted by him and insert another.

§ 122a. Duty of candidates for office.—Any person who intends to be a candidate for any office, State or national, to be elected by the electors of the State at large or of a congressional district shall, at least twenty days before such election, notify the secretary of the Commonwealth, in writing, attested by two witnesses, of such intention, designating the office for which he is a candidate. Such written notice shall be signed by the said candidate, but, if he be incapable of writing his proper signature, then some mark adopted by him as his signature shall be acknowledged before a justice of the peace or other officer authorized to take acknowledgments to deeds and in the same manner. Any person who intends to be a candidate for any office not embraced in the foregoing at any election shall give notice at least twenty days before such election to the county clerk or clerks of the corporation or hustings courts of the county or counties or the city or cities whose electors vote for such office, which notice shall in all respects be in the same form as that above described required to be given to the secretary of the Commonwealth. No person not announcing his candidacy as above shall have his name printed on the ballots provided for such election. On receipt of the foregoing notice it shall be the duty of the secretary of the Commonwealth to notify the secretary of each electoral board of each county or city of the State or of said congressional district, and it shall be the duty of said clerk or clerks to notify the secretary of the electoral boards of their respective counties or cities, which notices shall be sent by the secretary of the Commonwealth and clerks immediately after the time has expired in which candidates may give notice of their candidacy as prescribed by this section. Said clerks shall send copies of the original notices of candidacy to the secretary of the electoral board when they notify him. Whenever any secretary of an electoral board is elected he shall at once notify the secretary of the Commonwealth of his election, and inform him as to his postoffice address.

§ 122b. How and when ballots printed.—It shall be the duty of the electoral boards of the several counties and cities of this State, within ten days preceding each election, to cause to be printed a number of ballots equal to twice the entire registered vote of the said county or city: provided, however, that in magisterial districts of a county or wards of a city, only the names of the candidates to be voted for in said district or ward shall be placed on the said ballots. These ballots shall be white

paper tickets without any distinguishing mark or symbol, shall contain the names of all the candidates complying with the provisions of the law, printed in black ink, immediately below the office for which they have so announced their candidacy, in due and orderly succession, and the names on said ballot shall be in clear print, in the same order and each name in a separate line, and the type used in printing said ballots shall be plain Roman type, not smaller than pica.

Oath of the printer.—The printer with whom the board shall contract for the printing of the said ballots shall, before the work is commenced, take an oath before the secretary of said board, who is hereby empowered to administer said oath, to the following effect: "I, ———, solemnly swear that I will print (here insert number) ballots according to the instruction of the electoral board of the county (or city) of ———; that I will print, and permit to be printed, directly or indirectly, no more than the above number; that I will at once destroy all imperfect and perfect impressions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed I will distribute the type used for said work; and finally, that I will not communicate to any one whomsoever, in any manner whatsoever, the size, style, or contents of said ballots."

This oath shall be reduced to writing and signed by the person taking it, and also a similar affidavit shall be required of any employee or other person engaged upon said work, or who shall have access to it; and any intentional violation of said oath shall constitute the crime of perjury. It shall be the duty of said board to designate one of their number to be continuously present in the room in which the said ballots are printed from the commencement until the end of said work, and see that the undertakings of said oath are strictly complied with. For the faithful discharge of said duty he shall receive the compensation of two dollars. As soon as said ballots are printed they shall be securely wrapped and sealed, and such member of the electoral board shall take them into his exclusive possession, allowing no one to examine them; nor shall such member communicate to any one any information as to the size, style, or contents of said ballots. He shall continue in such exclusive possession until he delivers said ballots to the electoral board as hereinafter provided. Any violation of the provisions of this section, for which no punishment has been otherwise provided, shall be deemed a misdemeanor and punished by a fine of two hundred dollars and imprisonment for one month in jail.

§ 122c. Elections for president and vice-president.—In elections for president and vice-president of the United States the names of electors selected by the different political parties, together with the names of the candidates for whom they are expected to vote in the electoral college, shall be furnished to the secretary of the Commonwealth by any person or persons representing said parties at least thirty days before any election for the said electors of president and vice-president of the United States; and thereupon it shall be the duty of the secretary of the Commonwealth to immediately notify the secretary of each electoral board of each county or city of the State; and it shall then become the duty of the electoral boards of the several counties and cities within the State, within

twenty days preceding such election, to cause to be printed on the official ballot provided for in this act the name of each candidate for president and vice-president of each political party, the names of the electors nominated by the political party of such candidates; and the qualified voters at said election shall designate their preference for any candidates for president and vice-president by scratching the names of the other candidates for president and vice-president, as is provided in section one hundred and twenty-two h of this act, and the ballots shall be counted as they would be counted if the names of the electors had been scratched.

§ 122d. Duties of electoral boards, seal, et cetera.—It shall be the duty of the electoral board to procure and adopt a seal, if there be not one already adopted by the electoral board of such city or county under the laws in force prior to the passage of this act, which seal may be changed from time to time in the discretion of said board, and shall not be less than two inches in diameter. Said board shall meet as soon as convenient after the printing of the ballots as provided for in this chapter, of which meeting the chairman of the board of supervisors of the county or the judge of the corporation court of the city, shall be notified, and at which there shall be present the said chairman or judge and the members of the said board, but no other persons. And said chairman or judge shall thereupon enter of record upon the minutes of the electoral board an affidavit stating that said ballots were counted and sealed in his presence in the manner prescribed by law. And in the event of the inability, through sickness or other incapacity, of the said chairman or judge to discharge any of the duties imposed by this act, it shall be lawful for the said duties to be performed by some other member of the board of supervisors of said county, or the judge of some other corporation. At this meeting the member of the board who shall have secured from the printer the ballots as hereinbefore required shall deliver said ballots to said board. The ballots shall then be carefully counted by said board and the number thereof entered by the secretary of the board in a book provided by him and kept for such purpose. The board shall affix its seal to every ballot printed as above provided, upon the side reverse from that upon which the names of the candidates appear. Of the said ballots they shall make as many packages as there are voting precincts in said county or city, one for each precinct, which package shall contain twice as many official ballots as there are voters registered at the precinct for which it is intended. Each of these packages shall be securely sealed so that the ballots shall be invisible, and so that they could not be readily opened without detection. Upon each of said packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. The packages designed for the various precincts shall remain in the exclusive possession of the secretary of the board until delivered by him to the judges, or one of the judges, of election of the several precincts as hereinafter provided, or until he shall have delivered the same to one or the other members of the board to be delivered to the judge or judges as required by this act. The secretary of said electoral board shall keep in his sole custody the seal or stamp of said board and in a sealed package, to be opened only in the presence of the electoral board and the chairman or other member of the board of supervisors or the judge of the

corporation court when in the discharge of their duties as prescribed by this act.

§ 122e. How and when ballots opened.—Before every election the secretary of the electoral board shall deliver to the judges, or one of the judges, of election the package of official ballots for that precinct, taking a receipt therefor and a certificate that the seals appeared to be untampered with. And in the event of the inability, by sickness or other incapacity of said secretary to deliver said official ballots as herein provided, the said electoral board or the said secretary may cause them to be delivered by another member of said board. Said sealed package, at the opening of the poll, shall be opened in the presence of the clerks and judges of election, and the ballots in said package shall then be carefully counted. All ballots remaining unused at the close of the polls shall be carefully destroyed before the box is opened. Any person wilfully and corruptly failing to perform the duties required of him, or intentionally violating any of the provisions of this section, or opening any sealed package of official ballots, except as especially provided for herein, shall be deemed guilty of a misdemeanor and be punished with a fine of two hundred dollars and imprisonment one month in jail.

§ 122f. How voting places arranged.—It shall be the duty of the electoral board of the several counties and cities to provide at each of the voting places in their respective counties and cities a small compartment or booth large enough to contain and conceal from general observation a voter, and a desk or other convenience for writing. In said booth there shall be placed pen and ink. Said compartment or booth shall be so erected that a person standing at said desk in said booth or compartment shall be wholly excluded from the observation of the clerks, judges of election, and other persons. The said board, in its discretion, may have one or more of said booths at said voting places.

§ 122g. Persons approaching ballot box; order of voting.—Except as hereinafter provided for, save the judges of election and clerks, no person other than the elector offering to vote shall be within forty feet of the ballot box. The judges of election shall promptly decide any dispute as to precedence of electors to the right to vote, deciding who first offered, or if two or more offered at the same time, selecting the one to whom precedence shall be given; but in case of a challenge the challengers and challenged and the witnesses may appear before the judges; when such challenge is decided, only the elector having the right to vote shall remain within the prescribed limits.

§ 122h. Method of voting.—Every elector qualified to vote at a precinct shall, when he so demands, be furnished with an official ballot by one of the judges of election selected for that duty by a majority of the judges present. The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the title of the office and the name or names of the candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extends through three-fourths of the length of said name; and no ballot, save an official ballot specially prepared as above provided for, shall be counted for any person. He

shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of the election, who shall place the same in the ballot box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: provided, it shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name or names of any person or persons for any office for which he may desire to vote.

§ 122i. Ballot not to be carried away or copied; penalty.—It shall be unlawful for any elector to carry the official ballot furnished him by the judge of election further than the voting booth or make any copy thereof, and should he, after inspecting said ballot, conclude not to vote, he must immediately return said ballot to the judges of election. Except as hereinafter provided, no person shall advise, counsel, or assist any elector, by writing, word, or gesture, as to how he shall vote or mark his ballot after the same has been delivered to him by the judges of election. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars and confined in jail six months. To carry any official ballot or copy thereof beyond the voting booth or away from said booth, except to the judges of election, or to vote any ballot except such as shall be received by the elector from the judge of election, shall be a misdemeanor punishable by a fine of one hundred dollars; and it shall be the duty of the judges of election to cause, by verbal order or warrant, the instant arrest of any person making such attempt, and he shall be required to vote or surrender said ballot, and he may be confined in jail by the order of said judges of election until he obeys said requirements, not exceeding ten days.

§ 122j. Time allowed for voting.—No elector shall be allowed by the judges of election to remain in said voting booth provided in this act more than two and one-half minutes, to the obstruction of other electors desiring to vote. Said judges of election shall cause any elector attempting to occupy said voting booth for a longer time to retire and surrender his ballot, and he shall not again be allowed to receive an official ballot unless in the discretion of the judges of election another opportunity to vote will not delay or hinder other electors.

§ 122k. Defaced ballots.—Should any ballot be unintentionally or accidentally defaced, or in any way rendered unfit for voting by such elector, he shall deliver such defaced ballot to the judges of election and receive another upon taking an oath that the defacement of the ballot first delivered to him was not done for the purpose of defacing said official ballot. Any person swearing falsely to such fact shall be deemed guilty of perjury.

Judges to assist certain voters.—Any person registered prior to the first of January, nineteen hundred and four, shall be assisted in the preparation of his ballot by one of the officers of election designated by himself. And the judges, or a majority of them, shall designate one of their number, whose duty it shall be, at the request of any elector registered after the first day of January, nineteen hundred and four, who may be physically unable to prepare his ballot, to enter the booth with

said elector and render him assistance in preparing his ballot by striking out such names as he shall designate. In case said elector be blind, said judge of election so appointed and designated shall prepare said ballot for said elector in accordance with his instructions, but the said judge shall not enter the booth with the voter unless requested by him, and shall not in any manner divulge or indicate, by signs or otherwise, the name or names of the person or persons for whom any elector shall vote. The said judges, or a majority of them, shall have power, from time to time, when and as often as they may see proper, to change the appointment and designation of the judge who shall discharge the duty of assisting voters who are physically disabled or blind, as above provided, and designate another judge in his place and stead to perform the same; and for a corrupt violation of any of the provisions of this section, the person so violating shall be deemed guilty of a misdemeanor and be confined in jail not less than one nor more than twelve months.

§ 122l. Crowds forbidden; counterfeit ballots.—It shall not be lawful, upon the day of elections, for persons to congregate and crowd upon the public highway within one hundred feet of any of the voting places, and any person violating the provisions of this section shall, upon conviction thereof, pay a fine of twenty-five dollars or be confined in jail not exceeding ten days. Any member of the electoral board, the printer who shall print the official ballots provided for by this act, any judge of election, or any person who shall give or sell to any person whomsoever, except where it is distinctly provided by this act, any official ballot or copy, or any fac simile of the same, or any information about the same, or shall counterfeit, or attempt to counterfeit, the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five hundred dollars and imprisoned in jail six months. It shall be the duty of the judges of election to see that the provisions of this act are strictly carried out.

§ 122m. Elections in towns.—The provisions of this act shall apply to all elections held in this State except as hereinafter provided; and where the election is held in an incorporated town for town officers it shall be the duty of all persons who intend to be candidates for office in said town to give notice of said candidacy to the county clerk of the county in which said town is, as provided by section one hundred and twenty-two a, and said clerk shall notify the electoral board, and the tickets shall be printed and delivered and the election held and conducted in the manner provided by this chapter, and where the election is to be held to ascertain the sense of the qualified voters of this State, or of any county, city, town, or district of any county, upon any question submitted to them by law, it shall be the duty of the electoral board of the county or city, or of the county in which said town or district is, as the case may be, to have the words printed upon the tickets directed by the law submitting said question; but in all other respects said elections shall conform to the provisions of this chapter.

§ 122n. Penalty for violations.—Any violation of the provisions of this chapter, for which no punishment has been otherwise provided, shall be deemed a misdemeanor, and punished by a fine not exceeding one hundred dollars and imprisonment in the county jail not exceeding one month.

§ 122o. 1.—No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

2. In all cases where by its plan of organization, or otherwise, any political party in this State requires its candidates to be nominated by primary elections, such elections shall be conducted by the judges and clerks, or other officers designated by the proper committee or other proper authority of any such party, and under such rules, regulations, and requirements as may be prescribed in the plan adopted by such party.

3. All laws intended to secure the regularity and purity of general and local elections, and to prevent and punish any corrupt practices in connection therewith, and the penalties and punishments now or hereafter prescribed by law for such offenses, shall, so far as they may be applicable, apply to all primary elections, whether the same be held under any statute law of this State or under a plan provided by some political party.

§ 122p. Cost of elections.—The cost of conducting elections under this chapter shall be paid by the counties and cities, respectively.

§ 123. Ballot boxes.—The board of supervisors of each county and the council of each city shall, at the expense of their respective counties or corporations, procure a ballot box for each place of voting in any election district destitute of the same, which box shall be provided with a lock and key and have an opening through the lid of sufficient size to admit a single folded ballot and no more. The said boxes shall be kept by the judges of election for the use of their several election districts.

§ 124. How emptied before election.—The judges of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that is in them, and then lock them, and the key thereof shall be delivered to one of the said judges, and one of the judges shall forthwith proclaim that the polls are open. Said boxes shall not be opened until the close of the polls and for the purpose of counting the ballots therein.

§ 125. Where ballot box kept; how ballots received and names of voters entered on poll books.—The ballot box shall be kept in public view during all elections. The judge to whom any ballot is delivered shall, upon the receipt thereof, pronounce in an audible voice the name of the person from whom the ballot is received, and if his name is found on the registration book, and there be no objection made, the said judge shall, without opening the said ballot or permitting it to be examined (except to ascertain whether it is a single ballot), deposit the same in the ballot box, whereupon the name of the elector shall be checked on the registration book by one of the judges and entered by the clerks of election on the poll books and correctly numbered: provided, that where a registered voter has changed his place of residence from one election district to another in the same county, and has resided for thirty days in the election district in which he offers to vote, if he has a certificate showing that he was duly registered in his former election district in said county, and that his name has since his removal been erased from the registration books of said election district, it shall be sufficient evidence to entitle him to vote in the district in which he resides, and his name shall be regis-

tered in the registration book by the registrar, if he be present, or by one of the judges of election if he be not present: provided, further, that no person who removes from one city or county to another city or county in this State shall be allowed to vote at any election therein without having first registered upon his transfer at the time and in the modes prescribed in sections seventy-eight and eighty of the Code of eighteen hundred and eighty-seven: and provided, further, that in cities or towns containing over two thousand inhabitants the name of such person shall not be entered by the judge, but only by the registrar prior to or on the days named in section seventy-eight of the Code.

§ 126. Challenges.—Any elector may, and it shall be the duty of the judges of election to, challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

§ 127. How challenge tried.—When any person is so challenged the judges shall explain to him the qualifications of an elector, and may examine him as to the same; and if the person insists that he is qualified, and the challenge is not withdrawn, one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years old, that you have resided in this State for two years, in this county, city, or town for one year, and in this district thirty days next preceding this election; and that you are not disqualified from voting by the Constitution or laws of this State; that your name is (here insert the name given); that in such name you were duly registered as a voter of this election district; that you are now an actual resident of the same; that you are the identical person you represent yourself to be; and that you have not voted in this election at this or any voting place. So help you God." If he refuse to take such oath his vote shall be rejected; if, however, he does take it, his vote shall be received, unless the judges be satisfied, from record or other legal evidence adduced before them, or from their own knowledge that he is not a qualified voter, in which case they may refuse to permit such person to vote. And they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify as to the qualifications of any persons offering to vote. When the vote of any person shall be received, after having taken the oath prescribed in this section, it shall be the duty of the clerks of election to write on the poll books, at the end of the name of such person, the word "sworn."

§ 128. How polls closed; when votes canvassed and result declared.—As soon as the polls are finally closed (of which closing proclamation shall be made by the judges fifteen minutes previously thereto) the judges shall immediately proceed to canvass the vote given at such election, and the said canvass shall be continued without adjournment until completed and the result thereof declared.

§ 129.—How votes canvassed.—The canvass shall commence by taking out of the box the ballots unopened—not in secret, but in the presence of at least two representatives from each political party represented in the election, if such representatives request the judges of election to allow them to be present when the ballots are taken from the box, and said representatives shall be entitled to be present and witness the count

of the ballots and the making up of the returns as hereinafter provided in this section and section one hundred and thirty of the Code of Virginia. In case the said representatives, or any of them, do not request to be present, the judges shall notify the bystanders and select from them as many to come in as with the representatives of the political parties present shall make the number of four, and in their presence shall open the ballot boxes and canvass and count the votes; and the judges of election shall at once proceed to examine and count the ballots to ascertain if any double ballots have been cast, and whether the number of ballots corresponds with the number of names on the poll books; and if two or more separate ballots are found so folded together as to represent the appearance of a single ballot they shall be laid aside until the count of the ballots is completed. If, upon a comparison of the said count, and the number of names of electors on the poll books, it appears that the two or more ballots thus folded together were cast by the same elector, they shall be destroyed. If the ballots in the box are found to exceed the number of names on the poll books, all ballots shall be replaced in the ballot box, and after the same shall be well shaken, one of the judges of election, being blindfolded, shall draw therefrom a sufficient number of ballots to reduce the same to a number equal to the number of names of electors on the poll books. The number of ballots being thus made to agree with the number of names on the poll books, the books shall be signed by the judges and attested by the clerks; and the number of names thereon shall be set down in words and figures at the foot of the list of electors on the poll books and over the signatures of the judges and attestations of the clerks in the manner and form prescribed by section one hundred and twenty. Whenever the number of ballots is reduced by destruction of fraudulent ballots below the number of names of electors on the poll books the cause of such reduction shall be stated at the foot of the list of electors on the poll books before the same are signed and attested by the judges and clerks, respectively.

§ 130. How votes counted and returns made.—After the poll books are thus signed and attested, the judges shall, in the presence of such persons as shall be present under the preceding section, proceed to count and ascertain the number of votes cast for each person voted for; and the tickets or ballots shall be distinctly read, and as soon as read and canvassed shall be strung by one of the judges on a string, and the clerk shall set down on the poll books, next after the certificate of the judges at the foot of the list of electors as the returns of the election, the name of every person voted for, written in full length, the office for which such person received such votes, and the number of votes he received, the number being expressed in figures and also at full length in writing, in accordance with the form prescribed in said section one hundred and twenty, which said returns, when so made out, shall be signed and attested as provided in said section, but no person other than the judges of the election shall handle the ballots.

§ 131. When ballot void.—If a ballot is found to contain a greater number of names for any one office than the number of persons required to fill the said office, or if the title of the office is erased, the said ballot shall be considered void as to all the names designated to fill such office,

but no further; but no ballot shall be void for containing a less number of names than is authorized to be inserted therein.

§ 132. Poll books and ballots to be sealed; when and by whom delivered to clerk; where kept; if returns not made, how obtained.—After canvassing the votes in the manner aforesaid, the judges, before they adjourn, shall put under cover the poll book, seal the same, and direct them to the county clerk of the county or clerk of the corporation court of the corporation (as the case may be) in which the election is held; and the poll books thus sealed and directed (together with the ballots strung as aforesaid enclosed and sealed) shall be conveyed by one of the judges, to be determined by lot, if they cannot otherwise agree, to the clerk to whom they are directed on the day following the election, there to remain for the use of the persons who may be lawfully entitled to inspect the same. The clerk to whom the ballots are delivered as aforesaid shall, without breaking the seal, deposit them in his office, where they shall be safely kept for twelve months; and he shall not allow the same to be inspected unless in cases of contested elections or unless they become necessary to be used in evidence, and then only on the order of the proper court or officer. If from any cause the judges of election shall fail to make return, as provided by this section, within the time limited by the following section for the commissioners to meet and open the returns, it shall be the duty of the clerk to whose office such returns ought to have been made to dispatch a special messenger to obtain such returns, who shall be subject to the same penalties and entitled to the same compensation as a judge of election for such service.

§ 133. How commissioners of election appointed; when to meet and open returns; how vacancies supplied.—The electoral board of each county and city shall, at the time they appoint judges and clerks of election, designate five of the judges so appointed to act as commissioners, who, or any three of whom, shall constitute a board, of which the county clerk or the clerk of the corporation or hustings court, as the case may be, shall, ex-officio, be clerk, whose duty it shall be to meet at the clerk's office of the county or corporation for which they are appointed, on the second day (Sunday excepted) after any election held therein, and proceed to open the several returns which shall have been made at that office; and the said commissioners shall ascertain from the returns the persons who have received the greatest number of votes in the county or corporation for the several offices to be filled at said election. The result as so ascertained shall be reduced to writing and signed by a majority of the commissioners present and constituting such board, and attested by the clerk, and shall be annexed to the abstract of votes cast at such election, as provided for in section one hundred and thirty-six. If from any cause the number of commissioners in attendance at the time and place for opening returns be less than three, the commissioner or commissioners in attendance shall select from the voters of the county or corporation, as the case may be, one or more persons having the qualification of judges of election, who shall act as commissioner or commissioners. Should all the commissioners appointed for any county or corporation fail to attend at the time and place for opening returns, it shall be lawful for any justice of the county, or the mayor, if the failure occur in any city or town, to appoint from among the voters of the county

or corporation, as the case may be, three persons having the qualifications of judges of elections, who shall act as commissioners. The electoral board of the several counties and cities shall have power to fill vacancies in such appointments in their respective cities and counties whenever necessary to do so. Any person appointed under this section to fill a vacancy in the board of commissioners shall, before entering upon the discharge of his duties as commissioner, take an oath before some one authorized to administer oaths, to faithfully discharge his duties as commissioner; and when so sworn shall have all the power and authority and be subject to all the penalties of a judge of election appointed for that purpose by the said electoral board. The fact of the appointment being made, and the oath taken, shall be noted by the clerk at the foot of the abstract of votes provided for in section one hundred and thirty-six.

§ 134. How irregularities in returns corrected.—If it shall appear to any board of election commissioners, in determining the persons who have received the greatest number of votes for the several offices voted for in such election, that irregularities or informalities occur in the returns of the judges or clerks of election, which can be cured by amending or correcting the same, it shall be the duty of said board of commissioners immediately to summon the said judges and clerks, or such of them as may be requisite, to appear before said board, on some day not exceeding five days from the date of the summons, for the purpose of amending such returns so that the same may conform to the law. The summons may be executed by any sheriff, sergeant, constable, or qualified voter, who shall receive for such service fifty cents for each person summoned, to be paid by the county or corporation in which such election was held.

§ 135. Who to receive certificates of election; how tie determined.—In all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election; but if two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the commissioners aforesaid shall proceed publicly to determine by lot which of the candidates shall be declared elected.

§ 136. Abstracts of votes to be made out and certified; to whom forwarded.—So soon as the commissioners aforesaid shall determine the persons who have received the highest number of votes for any office, the clerk shall make out abstracts of the votes in the following manner: First, for governor and lieutenant-governor on one sheet; second, for attorney-general on one sheet; third, for secretary of the Commonwealth on one sheet; fourth, for State treasurer on one sheet; fifth, for superintendent of public instruction on one sheet; sixth, for commissioner of agriculture and immigration on one sheet; seventh, for member or members of the senate and house of delegates on one sheet; eighth, for a representative in congress on one sheet; ninth, for electors of president and vice-president of the United States on one sheet; tenth, for county officers on one sheet; eleventh, for district officers on one sheet; twelfth, for corporation officers on one sheet, which abstracts, being certified and

signed by said commissioners and attested by the clerk, shall be deposited in the office of the latter, and certified copies thereof, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, and twelve (when said officers have been voted for at said elections), under the official seal of said clerk, shall be placed in separate envelopes, endorsed, and directed to the secretary of the Commonwealth, and forwarded immediately to the seat of government by mail; and the said clerk shall endorse on the back of each envelope in which the said certified copies are enclosed: "Copy of the abstract of votes cast for governor, and so forth (as the case may be), cast at the general election in _____ county (or corporation), in _____, nineteen hundred and ____." Any clerk wilfully violating any of the provisions of this section, except those relating to a representative in congress and to electors for president and vice-president of the United States, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, and by confinement in jail for a period of not less than thirty days nor more than six months.

§ 137. When a clerk to make out and deliver certificate of election.—The clerk shall immediately make out, in pursuance of the determination of the commissioners, a certificate of election for each of the persons having the highest number of votes for any county, corporation, or district office, or, in case of a tie, who have been decided by lot to be elected, and deliver the same to the person elected upon his making application therefor. Any clerk wilfully violating the provisions of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and by confinement in jail for a period of not less than thirty days nor more than six months.

§ 138. When clerk absent, who to perform his duties.—When a clerk shall die, be absent, or from any other cause be prevented from discharging any of the duties required of him under this chapter, it shall be lawful for his deputy, or such other person as may then be acting as clerk, to discharge such duties.

§ 139. Board of State canvassers.—The governor, secretary of the Commonwealth, auditor of public accounts, State treasurer, attorney-general, or any three of them, shall constitute the board of State canvassers.

§ 140. Secretary of Commonwealth to open and record returns.—The secretary of the Commonwealth, upon receipt of the certified abstracts of the votes given in the several counties and corporations directed to be sent to him, shall proceed to open the same (except the abstract of votes for governor and lieutenant-governor, the attorney-general, secretary of the Commonwealth, and State treasurer), and shall record them in a suitable book to be kept by him for the purpose, and file and carefully preserve in his office said abstracts and the original envelopes in which they were enclosed.

§ 141. If abstracts not forwarded, messenger to be sent for them.—If from any county or city no such abstract of votes shall have been received within twelve days next after any election by the secretary of the Commonwealth, he shall dispatch a special messenger to obtain a copy of the same from the proper clerk; and such clerk shall immediately, on demand of such messenger, make out and deliver to him the copy required, which

copy of the abstract of votes the messenger shall deliver to the secretary of the Commonwealth without delay, to be recorded by him as aforesaid.

§ 142. How election returns canvassed by State board and certificates of election given.—For the purpose of canvassing the result of elections, the board of State canvassers shall meet at the office of the secretary of the Commonwealth on the fourth Monday in November next after the election, when they shall, upon the certified abstracts on file in the office of the secretary of the Commonwealth, proceed to examine and make statements of the whole number of votes given at any such election for superintendent of public instruction, commissioner of agriculture and immigration, members of the senate and house of delegates, representatives in congress, and electors of president and vice-president of the United States, or for so many of said officers as have been voted for at such election, which statement shall show the names of persons for whom such votes have been given for either of the said offices and the whole number given to each, distinguishing the several districts, cities, and counties in which they were given; they shall certify such statements to be correct and subscribe their names thereto, and they shall thereupon determine what persons have been by the greatest number of votes duly elected to such offices, or either of them, and shall endorse and subscribe on such statements a certificate of such determination and deliver them to the secretary of the Commonwealth. The secretary of the Commonwealth shall record in a suitable book to be kept by him in his office for that purpose each certified statement and determination as made by the board of State canvassers, and shall without delay make out and transmit to each of the persons thereby declared to be elected (except the attorney-general, who shall be commissioned by the governor) a certificate of his election, certified by him under his seal of office. In the election of a senator he shall also forward to the clerk of the senate a certificate of the election of such senator; and in the case of the election of a member of the house of delegates he shall forward to the clerk of the house of delegates a certificate of the election of such member. And upon the first day of the session of the general assembly he shall lay before each house a list of the members elected thereto, with the districts they represent. In cases of special elections to fill vacancies held at any other time than that fixed for general elections, the board of State canvassers shall meet at the office of the secretary of the Commonwealth on the day after the returns of such elections are received for the purpose of canvassing the result of such special elections in the manner hereinbefore set forth. But if said abstracts, or any of them, shall not be received within twelve days from said election, the board shall meet and adjourn from time to time until the abstracts shall be received; and in any case the board may adjourn from time to time until their labors are completed.

§ 143. How election determined in case of a tie.—If any two or more persons have an equal number of votes and a higher number than any other person for superintendent of public instruction, commissioner of agriculture and immigration, member of the senate or house of delegates, member of congress, or elector of president and vice-president of the United States, the State canvassers shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall

be given to such candidates of the time when such election shall be so determined; and if they, or either of them, shall fail to appear in accordance with said notice, the State canvassers shall proceed so to determine said election in their absence.

§ 144. Preservation of order at elections.—Any constable of a district in which an election is held, who may be designated for the purpose by the judges of election, shall attend at the place of election and preserve order at and about the same; and if no constable be in attendance, the judges of election may, by writing, appoint one or more persons specially, who shall have all the powers of a constable in the premises.

§ 144a. Intimidation, et cetera, of voters; how prevented; punishment therefor.—The judges of election, if it shall appear that the voters are being intimidated or coerced from any source in the exercise of their suffrage by bystanders about the polling place, or that voters are being hindered or tampered with in any way so as to prevent the casting of a secret ballot, may order such person or persons so engaged in intimidating, coercing, hindering, or tampering with voters to cease such action, and if such person or persons so engaged do not forthwith desist, the judges of election, or a majority of them, may order the arrest of such persons by a constable or any other person authorized by law to make arrests, and confine him or them in the county or city jail, as the case may be, not exceeding twenty-four hours, and such person or persons may be summoned by due process of law before the next term of the circuit or corporation court having jurisdiction, as the case may be, and upon the production of evidence proving his or their guilt shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars.

§ 144b. Intimidation, et cetera, of election officers; how punished.—Any person or persons who shall, by bribery, intimidation, or other unlawful or corrupt means, wilfully hinder or prevent, or attempt to so hinder or prevent, the election officers at any precinct from holding an election at the time and place set apart and designated as a place for holding such election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be confined in jail not exceeding twelve months and fined in a sum not exceeding five hundred dollars.

§ 145. Disturbance of election; how prevented.—If any person conduct himself in a noisy, riotous, or tumultuous manner at or about the polls, so as to disturb the election or insult or abuse a judge or a clerk of election, the constable, or any other person authorized to make arrests, may forthwith arrest him and bring him before the judges of the election, and they, by warrant under their hands, may commit him to the jail of the county or corporation for not exceeding twenty-four hours; but they shall permit him to vote if he be so entitled.

§ 146. How special elections superintended and determined.—All special elections, all local-option elections, and all elections to fill vacancies in office, shall be superintended and held, notice thereof given, returns made and certified, votes canvassed, results ascertained and made known, and commissions and certificates of election given, by the same officers, under the same penalties, and subject to the same regulations as prescribed for general elections, except so far as may be otherwise provided, and except also that in case where there is a vacancy in the office of any

officer who has some duty to perform in such election, the duties of such officer shall be performed by such other officer or person as shall be appointed for that purpose.

§ 147. Pay of clerks of courts.—Clerks of courts shall receive for their services, performed under any law relative to general or special elections, the following fees, to-wit: For making out abstracts, for every one hundred words, ten cents; for each certificate, with seal attached to abstract, twenty-five cents; the fees for such abstracts and certificates shall be paid out of the county or corporation treasury, as the case may be; for certificate to county officer, with seal attached, fifty cents, which fee, as well as the tax on said seal, shall be paid by the person receiving the certificate.

§ 148. Pay of sheriffs and sergeants.—The sheriffs of counties and sergeants of corporations shall each receive for their services, performed in like manner, the following fees: For posting each notice of election, the sum of fifty cents, which fees shall be paid out of the county or corporation treasury.

§ 149. Pay of judges and clerks.—The judges and clerks of any election held under this chapter shall receive as compensation for their services the sum of one dollar each, and the judge carrying the returns from his voting place to the county clerk's office shall receive for such service the sum of one dollar, and, in addition, the mileage now allowed to jurors for each mile necessarily traveled.

§ 150. Pay of commissioners.—The commissioners of any election held in like manner shall each receive as compensation for his services the sum of one dollar, to be paid out of the treasury of the county or corporation in which the election is held.

§ 151. Pay of messenger.—The special messenger sent by the secretary of the Commonwealth to any county or corporation for a copy of the abstract of votes of such county shall receive as compensation for his services the sum of two dollars per day for the time necessary to go and return from such county or corporation, and five cents per mile for each mile traveled in going to and returning by the route usually traveled from the capital to the county seat of such county, to be paid out of the public treasury.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 588.—An ACT to amend and re-enact section 11 of an act entitled an act to amend and re-enact chapter 72, Code of Virginia, as amended by act approved March 29, 1902, in regard to the management of the Virginia Normal and Industrial Institute, and to conform the same to the Constitution, approved November 28, 1903.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to amend and re-enact chapter seventy-two, Code of Virginia, as amended by act approved March twenty-ninth,

nineteen hundred and two, in regard to the management of the Virginia Normal and Industrial Institute, approved November twenty-eighth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 11. The board of visitors shall have the power to designate the bank or banks in which shall be deposited all moneys accruing to the said institute from the annuity herein provided for, and from all other sources, and to prescribe the manner in which the moneys shall be disbursed.

The board of visitors, before depositing said money in any bank, shall take from it bond, with sufficient security, in a penalty double the amount likely to be deposited in such bank at any time during the year, and with condition for the safe-keeping of all moneys that may thereafter be deposited with it, and the payment and disbursement thereof according to law.

The board of visitors shall annually examine the bond given by any bank as to its sufficiency in all respects, and whenever in their opinion such bond is insufficient they may require the bank to execute a new bond, or an additional bond, in such penalty as they may prescribe. If the bank fails to execute such new bond, or an additional bond, within a reasonable time the board shall transfer the money so deposited to some other bank in the State which will give proper bond.

2. This act shall be in force from its passage.

CHAP. 589.—An ACT to amend and re-enact section 623 of the Code of Virginia, as amended and re-enacted by chapter 105 of the acts of assembly, extra session 1902-1903, entitled "an act to amend and re-enact section 625 of the Code of Virginia, in relation to the collection of taxes and levies and distraining therefor," approved March 25, 1903.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section six hundred and twenty-three of the Code of Virginia, as amended and re-enacted by chapter one hundred and five of the acts of assembly, extra session nineteen hundred and two and nineteen hundred and three, entitled "an act to amend and re-enact section six hundred and twenty-three of the Code of Virginia, in relation to the collection of taxes and levies and distraining therefor," approved March twenty-fifth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 623. A treasurer may distrain for taxes and levies for which he has accounted to the auditor of public accounts and the county authorities, respectively, at any time within one year after the period fixed by section six hundred and four of the Code of Virginia, for his final settlement with the auditor of public accounts for State taxes.

2. This act shall be in force from its passage.

CHAP. 590.—An ACT to amend and re-enact section 857 of the Code of Virginia, as amended by an act entitled an act to amend and re-enact sections 853, 855, 857, 858, 861, 862, 863, and 865 of the Code of Virginia, approved December 10, 1903, in relation to delivery of books and papers in the possession of a county or city treasurer, including uncollected tax tickets for taxes and levies, to his successor.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and fifty-seven of the Code of Virginia, as amended by an act entitled an act to amend and re-enact sections eight hundred and fifty-three, eight hundred and fifty-five, eight hundred and fifty-seven, eight hundred and fifty-eight, eight hundred and sixty-one, eight hundred and sixty-two, eight hundred and sixty-three and eight hundred and sixty-five of the Code of Virginia, approved December tenth, nineteen hundred and three, in relation to delivery of books and papers in the possession of a county or city treasurer, including uncollected tax tickets for taxes and levies, to his successor, be amended and re-enacted so as to read as follows:

§ 857. Whenever a vacancy in the office of a county or city treasurer is filled by appointment, the court or judge making the appointment, shall, at the time the appointment is made, if the vacancy exists by reason of the death, resignation, or removal from the office of the treasurer, order such treasurer or his personal representative, as the case may be, to deliver all the books and papers in his possession as treasurer, including all tax tickets for taxes and levies for which he has not accounted and paid into the treasury, to the officer so appointed, taking his receipt for the same; or, where no appointment is made, or the officer appointed fails to qualify, order him to deposit the same with the clerk of the county or clerk of the corporation court, who shall give a receipt therefor, and hold the same subject to the order of said court.

Where the term of office of a county or city treasurer expires by limitation he shall deliver forthwith to his successor in office all the books and papers in his possession, including all tax tickets for taxes and levies for which he has not accounted and paid into the treasury, taking his receipt for the same. The receipt so furnished to any treasurer or his representative shall be allowed as a credit to the amount thereof in the settlement of his accounts, and the amount of tax tickets and levies covered by such receipt shall be charged against his successor in office.

2. This act shall be in force from its passage.

CHAP. 591.—An ACT to amend and re-enact section 3111 of the Code of Virginia.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and eleven of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3111. Courts of record may adjourn from day to day or take a recess for a period not exceeding thirty days.—Any court of record may at any

term, whether regular or special, adjourn from time to time for a period not exceeding thirty days until the business before it is dispatched, or until the end of its term; the judge of said court shall, during the period of such adjournment, have power and authority to hold regular or special terms at any other place as if there had been a final adjournment of such term.

2. This act shall be in force on and after February first, nineteen hundred and four.

CHAP. 592.—An ACT to amend and re-enact section 3154 of the Code of Virginia.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That section three thousand one hundred and fifty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3154. The court shall, on motion of either party in any suit, examine on oath any person who is called as a juror therein to ascertain whether he is related to either party, or has any interest in the cause, or has expressed or formed any opinion, or is sensible of any bias or prejudice therein; and the party objecting to the juror may introduce any competent evidence in support of the objection; and if it shall appear to the court that the juror does not stand indifferent in the cause, another shall be drawn or called and placed in his stead for the trial of that cause. And in every case the plaintiff and defendant may each challenge two jurors peremptorily, where the jury consists of twelve.

2. This act shall be in force from and after its passage.

CHAP. 593.—An ACT to amend and re-enact an act approved February 8, 1888, entitled an act to exempt undertakers from jury service.

Approved January 11, 1904.

1. Be it enacted by the general assembly of Virginia, That an act approved February eighth, eighteen hundred and eighty-eight, entitled "an act to exempt undertakers from jury service," be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That all undertakers who pay license tax as such be, and are hereby, exempt from jury service.

2. This act shall be in force from its passage.

CHAP. 594.—An ACT to amend and re-enact section 3049 of the Code of Virginia, as amended by an act approved May 20, 1903, as amended by an act approved December 12, 1903.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That section three thousand and forty-nine of the Code of Virginia, as amended by act approved May twentieth, nineteen hundred and three, as amended by act approved December twelfth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§ 3049. When the judge of a circuit or city court fail, or is unable to hold same, what judge may do so; when governor may designate a judge to do so; compensation, and so forth.—If the judge of a circuit court, or of any city court, be unable or fail to attend a regular term of his court, or be prevented by sickness from sitting during the whole term, or any part thereof, he may procure a judge of a circuit court, or of some city court for a city of the first class, to hold the said court, either for the whole term or any part thereof. If the judge of any circuit or city court is connected with the accused or party injured in any criminal case pending in his court, or if such judge is so situated as to render it improper, in his judgment, for him to decide any case or proceeding, or to preside at any trial, civil or criminal, pending therein, the fact shall be entered of record by the clerk of said court, and at once certified by him to the governor, who shall designate a judge of some circuit court or of some city court, for a city of the first class, to preside at the trial of such cause, or hold such term. Or in case any city or circuit judge shall, by reason of sickness or other physical disability, be unable to hold his courts, or any of them, or unable to attend to any of his duties as judge, then upon the notification by said judge, or upon the certificate of his attending physician, or upon the certificate of the Commonwealth's attorney of such city or of any county of his circuit, or the clerk of such court, to that effect, the governor shall designate some other circuit judge or city judge of a city of the first class to hold the term or terms of such court or courts, to order special terms, and otherwise to act and perform the duties of judge of such court or courts in term time or in vacation, and such judge so designated shall have the powers and perform all the duties of judge of such court or courts until the judge of such court shall be again able to attend to his duties as such, and shall so notify the governor.

If a vacancy shall occur from any cause in the office of a judge of a circuit or city court that fact shall at once be certified by the clerk of such court to the governor, who, instead of appointing at once a successor, may designate a judge of some other circuit court, or of some city court, for a city of the first class, to hold the terms of the court in which such vacancy exists, and until the same shall have been filled in the mode prescribed by law. If any judge so designated shall be prevented by the duties of his own court, or by sickness, from deciding such case or proceeding, or from presiding at such trial, or holding the terms of such court in which a vacancy exists, he shall so inform the governor, who shall designate another such judge in his place. For any service ren-

dered by any such judge so designated under this section, and in all cases where he holds a court for a judge disabled by sickness, he shall receive the mileage provided by law and ten dollars per day for the time he is actually engaged in holding court, if he shall preside over a circuit court of a county, and mileage and ten dollars per day if he shall preside over a circuit court in a city, or over a city court; such mileage and compensation to be paid out of the treasury of the county or city in which said court is held. But if a judge of a city court in cities of the first class, or the judge of the circuit court wherein such city is located, shall hold court for any other judge in his own city, he shall not receive any such mileage or compensation therefor. A judge so selected or designated shall have all the powers and be authorized to perform all the duties of the judge of such court.

2. This act shall be in force on and after the first day of February, nineteen hundred and four.

CHAP. 595.—An ACT to extend the sessions of the county courts of this Commonwealth at the January terms in the year 1904.

Approved January 12, 1904.

Whereas, the January terms in the year nineteen hundred and four of the county courts of this Commonwealth will be the last term of said courts; and,

Whereas, it is desirable that said courts may have sufficient time to dispose of all matters and things therein as far as possible; therefore,

1. Be it enacted by the general assembly of Virginia, That the January terms of the county courts of this Commonwealth, in the year nineteen hundred and four, may continue in session from the first day of such terms until and including the thirtieth day of January, nineteen hundred and four.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 596.—An ACT to provide for furnishing by the county treasurers of list of those who are residents of or voters in the incorporated towns of the Commonwealth, who have paid their State capitation taxes six months prior to a regular election to be held in the incorporated towns of which they are residents, and to comply with section 38 of the Constitution.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That the treasurer of every county in this Commonwealth in which any incorporated town is located, in which a regular election is to be held on the second Tuesday in June in any year in pursuance of law, shall furnish the clerk of the circuit court of his county with a list of the residents of said incorporated town who have paid the State capitation tax provided by law

six months prior to the time of holding said election. The said lists shall be prepared and posted in all respects as is provided for in section thirty-eight of the Constitution. The said treasurers shall not for the purpose of this act be required to furnish or post list of those voters of his county who have paid their capitation taxes six months prior to the second Tuesday in June unless they are voters in and residents of some incorporated town in which an election is to be held.

2. For preparing and posting said lists the treasurer shall receive such compensation as is now provided by law for similar services in preparing lists by section three of an act approved July twenty-eighth, nineteen hundred and two, entitled an act to carry into effect an ordinance of the constitutional convention of Virginia, which assembled in Richmond June twelfth, nineteen hundred and one, entitled an ordinance to provide for the registration of voters under this Constitution prior to nineteen hundred and four, so far as legislative action may be necessary, and to make it applicable to towns.

3. This act shall be in force from its passage.

CHAP. 597.—An ACT to amend and re-enact section 26 of chapter 577 of the acts of assembly of Virginia, session 1895-'96, approved March 3, 1896, entitled "an act to amend and re-enact the charter of the town of Waynesboro."

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That section twenty-three of the acts of the assembly of Virginia, session of eighteen hundred and ninety-five and ninety-six, chapter five hundred and seventy-seven, approved March third, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 23. The council may, in the name of and for the use of the town, for town purposes, and for the purpose of erecting and maintaining public school building for the use of the citizens of the town, contract loans, or cause to be issued certificates of debt or bonds: provided, no such certificate of debt or bonds shall be issued except by a majority vote of the council, endorsed by a two-thirds vote of the freehold voters voting on the question, at an election which shall be held for the purpose. The manner of holding such election shall conform to the State law governing elections at the time such election is held. Any person, male or female, twenty-one years of age, and owning real estate in the town, shall have the right to vote in such election: provided, that no freeholder shall have the right to vote in such election until his or her name shall have been duly registered in a special registration book at least ten days prior to such election.

Such special registration book shall be furnished by the council, and they shall also appoint, at least thirty days previous to the date of such election, a suitable person as registrar, for the purpose of registering the qualified freeholders of the town. He shall advertise, by posting notices at not less than ten conspicuous places within the town, appointing a day for such registration, which day so appointed shall be at least twelve days

prior to the date of such special election. Such loans, certificates, or bonds, made or issued under the foregoing provisions, shall not be irredeemable for a period greater than thirty-five years: and provided, further, that any or all of any designated series of such loans, certificates, or bonds may be redeemable at the option of the town council after ten years from the date of issue. The council shall provide for a sinking fund such proportion of the revenue of the town as shall be equal in cash value to one-thirtieth of any loan, certificates, or bonds so made or issued. All bonds issued under the provisions of this section shall be regularly numbered and signed by the mayor, clerk, and treasurer, and recorded in a book to be kept for that purpose. Said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes, without first being authorized so to do by three-fourths of the freehold voters of the town voting on the question: provided, further, that in no case shall the aggregate debt of the town at any one time exceed eighteen per centum of the assessed valuation of the real estate owned in the town, subject to taxation, as shown by the last preceding assessment for taxes: and provided, further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. This section shall not be so construed as to prevent the council of said town from issuing certificates of debt for necessary current expenses or for sums of money provided for by annual taxation.

CHAP. 598.—An ACT to amend and re-enact section 3676 of the Code of Virginia, in relation to kidnapping and the punishment therefor.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That section thirty-six hundred and seventy-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 3676. Kidnapping with intent to extort money; how punished.—If any person seize, take, or secrete any other person with intent to extort money, or pecuniary benefit, he shall be punished with death, or, in the discretion of the jury, be confined in the penitentiary not less than eight nor more than eighteen years.

2. This act shall be in force from its passage.

CHAP. 599.—An ACT to authorize and require the board of supervisors of any county wherein the board of school trustees in any school district of such county has, prior to the passage of this act, issued bonds under any special act of the general assembly, to levy a sufficient tax on the property in such school district, in addition to the levy authorized by law to be laid for general district school purposes, to pay the interest on and principal of such bonds as the same shall become due.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of any county, wherein the board of school trustees in any school district of such county has, prior to the passage of this act, issued bonds under any special act of the general assembly, be, and is hereby, authorized and required to levy annually a sufficient tax on the property in such school district, in addition to the annual levy authorized by law to be laid for general district school purposes, to pay the interest on and principal of such bonds as the same shall annually accrue or mature: provided, however, that such annual levy shall not exceed the rate of twenty-five cents on the one hundred dollars of the assessed value of such property.

2. This act shall be in force from its passage.

CHAP. 600.—An ACT to authorize the University of Virginia to send property to St. Louis for exhibition purposes.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That the rector and visitors of the University of Virginia are hereby authorized and empowered to send such statues, paintings, and other personal property of the said university to the Louisiana purchase exposition, to be held in the city of Saint Louis, Missouri, in the year nineteen hundred and four, as they may deem proper for exhibition purposes.

2. This act shall be in force from its passage.

CHAP. 601.—An ACT to authorize and direct the register of land office to make certain improvements to the hall of the house of delegates and to provide therefor.

Approved January 12, 1904.

1. Be it enacted by the general assembly of Virginia, That the register of land office be, and he is hereby, directed to thoroughly renovate the hall of the house, removing therefrom the carpet and supplying its place by one of good and substantial material.

2. That the sum of five hundred dollars, or so much as may be necessary, be, and is hereby, appropriated for that purpose.

3. This act shall be in force from its passage.

CHAP. 602.—An ACT to authorize and empower the board of supervisors of the county of Isle of Wight to locate and define the metes and bounds of the corporate property of the said county at Isle of Wight courthouse, and to purchase such additional property adjacent thereto as may be necessary for county purposes.

Approved January 12, 1904.

Whereas, by reason of the decay and destruction of the starting point, as defined in the deed to the county of Isle of Wight, of the corporate property at Isle of Wight courthouse, it is impracticable to accurately define and locate the same; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Isle of Wight be, and they are hereby, authorized and empowered, by an agreement with the adjacent land owners, to define, by metes and bounds, the corporate property of the said county at Isle of Wight courthouse; to plat and survey the same; to acquire, by purchase, such property adjacent thereto as may be needful for corporate purposes; pay therefor out of the county levy, and, on behalf of the said county, to execute all necessary deeds and assurances in and about the premises.

CHAP. 603.—An ACT to provide for the appointment of road superintendents in the county of Elizabeth City; to define their terms of office and their duties.

Became a law January 14, 1904, without governor's signature.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of Elizabeth City county, in the month of January, nineteen hundred and four, and every two years thereafter, to appoint one road superintendent for each magisterial district in said county, who shall be a resident and voter of such district. The term of office of each road superintendent shall begin on the first day of February succeeding his appointment, and shall continue for two years thereafter, unless removed by said board. The board of supervisors of said county shall prescribe the compensation of each road superintendent at the time of his appointment. Each road superintendent in his respective magisterial district shall have the same powers, perform the same duties, and be subject to the same liabilities as are provided by general law for the government and control of county road superintendents; and he shall qualify for his office in the manner prescribed by general law for the qualification of road superintendents of counties.

2. All acts and parts of acts, in so far as they conflict herewith, are to that extent repealed.

3. This act shall be in force from its passage.

CHAP. 604.—An ACT to authorize and direct the register of land office to make certain improvements to the hall of the senate of Virginia, and to provide therefor.

Approved January 18, 1904.

1. Be it enacted by the general assembly of Virginia, That the register of land office be, and he is hereby, directed to thoroughly renovate the hall of the senate of Virginia, removing therefrom the carpet and supplying its place by one of good and substantial material.

2. That the sum of five hundred dollars, or so much as may be necessary, be, and is hereby, appropriated for that purpose.

3. This act shall be in force from its passage.

CHAP. 605.—An ACT authorizing the town of Smithfield to make an annual appropriation to the white military company.

Approved January 18, 1904.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Smithfield be authorized to annually appropriate a sum of money not exceeding one hundred dollars annually towards the support of the white military company in said town.

2. This act shall be in force from its passage.

CHAP. 606.—An ACT empowering the council of the town of Smithfield to appoint a harbor master for said town, and to regulate and prescribe his duties and fees for the performance of said duties, and to establish port warden lines within the corporate jurisdiction and one mile beyond the same.

Approved January 18, 1904.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Smithfield be, and is hereby, authorized and empowered to appoint for the said town one harbor master, who shall have jurisdiction over and along Pagan river, within the corporate limits of said town, and one mile beyond the same: the said council is hereby authorized and empowered to make all needful rules and regulations concerning the anchorage or docking of all manner of vessels, to impose fines for the violation of any of said rules and regulations, and to collect the same by due process of law. All fines imposed under the regulations made in pursuance of the authority hereby granted shall be a lien on the vessel violating any of said rules and regulations so made by the said council.

The said council shall have the authority to establish such port warden lines as they shall deem to be the best interest to the safe navigation of the said Pagan river.

2. This act shall be in force from its passage.

CHAP. 607.—An ACT to amend and re-enact an act entitled an act regulating the transportation of bodies dead of contagious or infectious diseases, approved March 2, 1892, as amended by an act which became a law February 17, 1900.

Approved January 18, 1904.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act regulating the transportation of bodies dead of contagious or infectious diseases, approved March second, eighteen hundred and ninety-two, as amended by an act which became a law February seventeen, nineteen hundred, be amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That the transportation of bodies of persons who have died of small-pox or bubonic plague is absolutely prohibited, unless by permission of the State board of health, and the local boards of health where death occurs, and where burial is desired.

2. Bodies of persons who have died of Asiatic cholera, yellow fever, typhus fever, diphtheria (membraneous croup), scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for shipment by being thoroughly disinfected by (a) arterial and cavity injection with an approved disinfecting fluid; (b) disinfection and stopping of all orifices with absorbent cotton, and (c) washing the body with the disinfectant, all of which must be done by an embalmer holding a certificate as such, issued by the State board of embalmers of Virginia.

After being disinfected as above, such body shall be enveloped in a layer of dry cotton, not less than one inch thick, completely wrapped in a sheet securely fastened, and encased in an air-tight zinc, tin, copper, or lead-lined coffin or iron casket, all joints and seams hermetically sealed, and all enclosed in a strong tight wooden box. Or the body being prepared for shipment by disinfecting and wrapping as above, may be placed in a strong coffin or casket, and said coffin or casket encased in an air-tight zinc, copper, or tin-lined box, all joints and seams hermetically soldered.

For interstate transportation under this section only embalmers holding a license issued or approved by the State or provincial board of health or other State or provincial authority provided for by law, after examination, shall be recognized as competent to prepare such bodies for shipment.

The city, town, and county health officers of this State are hereby empowered to regulate the transportation by private conveyance in their respective jurisdictions, the bodies of persons dead of diseases mentioned in sections one and two of this act.

3. The bodies of those dead of typhoid fever, puerperal fever, tuberculosis, or measles may be received for transportation when prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, washing the exterior of the body with the same, and enveloping the entire body with a layer of cotton not less than one inch thick, and all wrapped in a sheet securely fastened, and encased in an air-tight metallic coffin or casket, or air-tight metal-lined box: provided, that this shall apply only to bodies which can reach their destination within thirty

hours from the time of death. In all other cases such bodies shall be prepared by a licensed embalmer holding a certificate as provided for in section two. When prepared by a licensed embalmer, as defined and directed in section two, the air-tight sealing and bandaging in cotton may be dispensed with.

And provided, further, that bodies dead of diseases named in section three, disinfected and prepared as required in this section (three), may be received for shipment to points within the State of Virginia which can be reached within twelve hours from time of death without requiring the coffin or casket to be metal-lined or hermetically sealed.

4. The bodies of those dead from any cause not stated in sections one, two, and three may be received for transportation when encased in a sound coffin or casket and enclosed in a strong outside wooden box, provided they can reach their destination within thirty hours from the time of death. If the body cannot reach its destination within thirty hours from the time of death, it must be prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, washing the exterior of the body with the same and enveloping the entire body with a layer of dry cotton not less than one inch thick and all wrapped in a sheet securely fastened, and encased in an air-tight, metallic coffin or casket or an air-tight, metal-lined box. But when the body has been prepared for shipment by being thoroughly disinfected by a licensed embalmer, as defined and directed in section two, the air-tight sealing and bandaging with cotton may be dispensed with.

5. In the shipment of bodies dead from any disease named in section two, such body must not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer as having been properly disinfected.

And before selling tickets, agents must carefully examine the transit permit and note the name of the passenger in charge, and of any others proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of the disease. The transit permit in such cases shall specifically state who is authorized by the health authorities to accompany the remains. In all cases where bodies are forwarded under section two, notice must be sent by telegraph by the shipping embalmer to the health officer, or where there is no health officer, to other competent authority at destination, advising the date and train on which the body may be expected.

6. Every dead body must be accompanied by a person in charge, who must be provided with a passage ticket and also present a full first-class ticket marked "corpse" for the transportation of the body, and a transit permit, printed on yellow paper, showing physician's or coroner's certificate, name of deceased, date and hour of death, age, place of death, cause of death, and all other items of the standard certificate of death recommended by the American public health association and adopted by the United States census bureau, as far as obtainable, including health officer's permit for removal, whether communicable or non-communicable, the point to which the body is to be shipped, and when death is caused by any disease specified in section two, the names of those au-

thorized by the health authorities to accompany the body, and undertaker's certificate as to how the body has been prepared.

The transit permit must be made in duplicate, and the signature of physician or coroner, health officer, and undertaker must be on both the original and duplicate copies. The undertaker's certificate and paster of the original shall be detached from the transit permit and securely fastened on the end of the coffin box. All coffin boxes must be provided with at least four handles. The physician's certificate and transit permit shall be handed to the passenger in charge of the corpse. The whole duplicate copy shall be sent to the official in charge of the baggage department of the initial line, and by him to the secretary of the board of health of this State.

The station baggage agent shall enter on blank, following the funeral director's certificate, over his signature, description of corpse ticket, exact route and via what junction points the ticket reads. Said certificates and transit permits shall be furnished in blank by the transportation companies where no local board of health exists.

7. When bodies are shipped by express, the transit permit, as described in section six, must also be made out in duplicate. The undertaker's certificate of the original shall be detached from the transit permit and securely fastened on the coffin box. The physician's or coroner's certificate and transit permit shall be attached to, and accompany the express waybill covering the remains, and be delivered with the body at the point of destination to the person to whom it is consigned. The whole duplicate copy shall be sent by the forwarding express agent to the secretary of the board of health of this State.

8. Every disinterred body dead from any disease or cause shall be treated as infectious or dangerous to the public health, and shall not be accepted for transportation unless said removal has been approved by the State or provincial health authorities having jurisdiction where such body is disinterred, and the consent of the health authorities of the locality to which the corpse is consigned has been first obtained; and all such disinterred remains, or the coffin or casket containing the same, must be wrapped in a woolen blanket thoroughly saturated with a 1-100 solution of corrosive sublimate, and enclosed in a hermetically soldered zinc, tin, or copper-lined box. But bodies deposited in receiving vaults shall not be treated and considered the same as buried bodies, when originally prepared by a licensed embalmer, as defined in section two, and as directed in section two or three (according to the nature of the disease causing death), provided shipment takes place within thirty days from the time of death. The shipment of bodies prepared in the manner herein directed, by licensed embalmers, from receiving vaults, may be made within thirty days from time of death without having to obtain permission from the health authorities of the locality to which the body is consigned. After thirty days the casket or coffin containing said body must be enclosed in a hermetically soldered box.

9. The following form of certificate and transit permit in duplicate must be used:

PHYSICIAN'S OR CORONER'S CERTIFICATE. HEALTH OFFICER'S PERMIT.
FUNERAL DIRECTOR'S AND BAGGAGE AGENT'S CERTIFICATE.

MARGIN RESERVED FOR BINDING.
 WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD.
 N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, that it may be properly classified. The "Special Information" for persons dying away from home should be given in every instance.

PLACE OF DEATH.		U. S. CENSUS OFFICE. STANDARD CERTIFICATE OF DEATH.	
County of..... Village of..... or City of (No. St.; Ward) [If death occurred in [If death occurs away from a Hospital or Institution, give its NAME instead of St. and No.] USUAL RESIDENCE give facts called for under "Special Information."		FULL NAME.....	
Personal and Statistical Particulars		Medical Certificate of Death	
Sex	Color	Date of Death	
Date of Birth		.....190..	
(Month) (Day) (Year)		(Month) (Day) Year)	
Age		I Hereby Certify, That I attended deceased from	
.....years, .....months, .....days		.....190.. to.....190..	
Single, Married.		that I last saw h.. alive on.....	
Widowed, or Divorced		190.., and that death occurred, on	
Birthplace		the date stated above, at.....M.	
(State or country)		The Cause of Death was as follows:	
Name of		.....
Father		.....
Birthplace		..... (duration) .....days	
of Father		Contributory .....days	
(State or country)		..... (duration) .....days	
Maiden Name		(Signed) .....M. D.	
of Mother		.....190.. (Address).....	
Birthplace		Special Information only for	
of Mother		Hospitals, Institutions, Transients,	
(State or country)		or Recent Residents.	
Occupation		Former or	
.....		Usual Residence	
The above stated personal particulars are true to the best of my knowledge and belief		How Long at	
(Informant)		Place of Death?.....Days	
(Address)		Where was disease contracted, if not at place of death?.....	
Filed		Place of Burial or Removal.....	
.....190..		Date of Burial.....190..	
Registrar		Undertaker | Address	
		

PERMIT OF BOARD OF HEALTH.

This Permit, with above Certificate, must be presented to Initial Baggage Agent.

OFFICE OF BOARD OF HEALTH,

.....190..

Permission is hereby granted to remove for burial at.....the body of....., above described, if prepared in accordance with the laws of this State, printed on the back of this permit.

If contagious or communicable, state name of person who is authorized to accompany body.....

.....
President Board of Health.

This Sheet must be detached at this perforation and handed to the Passenger in charge of the Corpse.

This Sheet must be detached at this perforation and this portion securely attached to the outside of Box.

Station Baggage No.....

License No.....

FUNERAL DIRECTOR'S CERTIFICATE.

I (or we) hereby certify that the accompanying dead body of.....
consigned to..... address.....
State of.....has been prepared by me (or us) strictly in accordance
with the laws of this State for transportation by being.....
.....
.....

.....Shipping Funeral Director.

.....190.. address.....

Station Baggage Agent must enter hereon a description of the ticket, the exact route and via what Junctional Points the ticket reads which is held by the passenger in charge of corpse.

Date.....190..

From..... to..... State of.....

No. of Ticket.....Form No. of Ticket.....

Via.....R. R. To.....

Via.....R. R. To.....

Via.....R. R. To.....

Via.....R. R. To.....

Via.....R. R. To.....

Via.....R. R. To.....

Name of Passenger in charge.....

Place of residence.....

Signed.....Station Agent.

10. Any person violating any of the provisions of this act shall be deemed guilty of misdemeanor, and punished by a fine of not less than ten dollars or more than twenty-five dollars, or imprisoned not exceeding ten days for the first offense, and fined not less than twenty-five nor more than one hundred dollars, or imprisoned for not less than ten nor more than sixty days for each offense additional.

11. All acts or parts of acts conflicting with this act are hereby repealed.

12. This act shall be in force from and after June first, nineteen hundred and four.

CHAP. 608.—An ACT concerning the exercise of the power of eminent domain.

Approved January 18, 1904.

1. Be it enacted by the general assembly of Virginia, as follows: The word "railroad," as used in this act, shall be construed to include any railroad, whether operated by steam, electricity, or other motive power.

2. Jurisdiction in proceedings to condemn land or other property shall, as to such land or other property in a city, be in the circuit, corporation, or hustings court of the city, and as to any such land or other property in a county, shall be in the circuit court of the county wherein the land or other property, or the greater part thereof, proposed to be condemned is located:

3. Any company chartered by this State, which is authorized by its charter or by the laws of this State to condemn lands, or any interest or estate therein, or materials, or other property, for its uses, may, by its officers, agents, or servants, enter upon any lands or waters for the purpose of examining the same, and surveying and laying out such as may seem fit to an officer or agent authorized by it: provided, that no injury be done the owner or possessor of the land. But no company shall, under the authority of this section, throw open any fences or inclosures on any land, or construct its works upon or through the same, or in any way injure the property of the owner or possessor without his consent; nor shall a company, under any provision of this act, invade the dwelling-house of any person in a city or town, or any space within sixty feet thereof, without the consent of the owner, except in the case of a railroad company when it is decided by the commissioners (appointed to ascertain the value of the land or other property, or the interest or estate therein, to be taken) that it would otherwise be impracticable, without unreasonable expense, to construct such railroad; and except further in the case of the occupancy by a railroad company of the streets or alleys, public or private, of any city or town in pursuance of permission obtained from the corporate authorities of said city or town; nor shall a company, under any provision of this act, invade the dwelling-house of any person in any county, or any space within sixty feet thereof, without the consent of the owner, except in the case of a railroad company, when it is decided by the commissioners (appointed to ascertain the value of the land or other prop-

erty, or the interest or estate therein, to be taken) that it would otherwise be impracticable, without unreasonable expense, to construct such railroad, by reason of the conformation of the country.

4. Any company heretofore or hereafter chartered by this State, which is authorized by its charter or the laws of this State to condemn land or other property, or any interest or estate therein, for its uses, which cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land or other property, or an interest or estate therein, wanted to be taken and used in the construction, maintenance, operation, improvement, or straightening of its line or works, or change of location of its line or works, or in constructing or providing additional facilities, or for other necessary purposes of such company, desiring to condemn any land, or other property, or any interest or estate therein, for any of its uses or purposes aforesaid, shall, before making application for the appointment of commissioners as hereinafter provided, file in the clerk's office of the proper court, as defined in section two of this act, a plat of the survey, with a profile showing the cuts and fills, trestles and bridges, and a description of the land or other property which, or an interest or estate in which, is sought to be condemned; and if known to such company, a memorandum showing the names and residence of the owner or owners of such land or other property; and if more than one parcel of land or property, or an interest or estate therein, a plat of the survey and a description of each, with profile as aforesaid, and if known to such company the names and residences of the owner or owners of each, and showing also the quantity of land or other property which, or an interest or estate in which, is sought to be condemned; and at the same time it shall file a petition for the appointment of commissioners as hereinafter provided, in which petition there shall be set forth the interest or estate intended to be taken in the land or other property, and the material facts upon which the application for the appointment of commissioners is based, including the fact that the land, or other property, or the interest or estate therein, sought to be condemned is wanted for the uses and purposes of such company. The petition shall be verified by the oath of the president, vice-president, superintendent, or one of the directors of such company.

5. Upon complying with the requirements of the preceding section, any such corporation may give ten days' notice of its intention to apply to the proper court, as defined in section two of this act, for the appointment of commissioners to ascertain what will be a just compensation for the land or other property, or for the interest or estate therein, proposed to be condemned for its uses, and to award the damages, if any, resulting to the adjacent or other property of the owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, which notice shall be served on the tenant of the freehold, or his guardian, or committee, or if there be no such tenant, guardian, or committee within this State, or if such tenant, guardian, or committee cannot, with reasonable diligence, be found within this State, or is un-

known, such notice, instead of being thus served, may be published and posted as hereinafter in this section prescribed; and in all cases notice of such application shall be given to all persons whom it may concern by likewise publishing and posting the same. Notice to the tenant of the freehold, or to his guardian or committee, may be by publication and posting in any case where it shall appear either by affidavit or by the averments in the petition for the appointment of commissioners that said tenant, guardian, or committee is not a resident of this State, or cannot, with reasonable diligence, be found in this State, or is unknown. Any notice which is permitted or required by this act to be published or posted shall be published once a week for four successive weeks in a newspaper published in the city or county wherein the land or property which, or an interest or estate in which, is proposed to be condemned is located, and by posting the same at the front door of the courthouse of said city or county on the first day of the rules next preceding the application; or if no newspaper be published in said city or county, then such notice shall be posted as hereinbefore prescribed, and shall be published in some other convenient newspaper in this State, to be designated in term time or in vacation by the judge of the court to which such application is to be made.

6. Upon its appearing that such notice has been given, that such company has complied with the provision of section four of this act, and that the land or other property, or the interest or estate therein sought to be condemned is wanted for the uses and purposes of such company, the court of the county or city in which the said land, or other property, or a greater part thereof, lies, shall appoint five disinterested freeholders, resident in such county or city, any three or more of whom may act, for the purpose of ascertaining a just compensation for such lands or other property, or for such interest or estate therein, and awarding the damages, if any, resulting to the adjacent or other property of the owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works; and in the order appointing such commissioners the court shall designate the day and hour for them to meet, which order shall operate as notice of such meeting to all parties in interest. Any one or more of said commissioners attending on the land, or other property, may adjourn from time to time until the business shall be finished. The said commissioners having viewed the land or other property, may, from time to time, adjourn to such other place in the city or county as they may deem expedient, for the purpose of hearing evidence and arguments and conferring about and formulating their report. The said commissioners shall receive three dollars for every day they may be employed in the performance of their duties, which shall be paid by the parties at whose instance they are appointed, unless otherwise ordered by the court.

7. Before executing their duties, the said commissioners shall take an oath before some officer authorized by the laws of this State to administer an oath, which shall be certified in substance as follows: "..... county (or city), to-wit: I,, a for the county (or city) aforesaid, do certify that. have this day made oath before me that they will faithfully and impartially ascertain what will be a just compensation for such land (or for

such interest or estate in the land) of the freehold whereof is tenant, and for such other property as is proposed to be taken by the company for its purposes, and award the damages, if any, resulting to the adjacent and other property of said tenant or owner, and to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, and will truly certify the same. Given under my hand this day of, which oath shall be attached to and returned with the report of the said commissioners.

8. The commissioners, after viewing the property and land which, or an interest or estate in which, is sought to be condemned, and the adjacent and other property of the owner, and the property of any other person, affected by the construction and operation of the works of such company, and hearing such proper evidence as may be offered by the parties touching the said compensation and damages, shall ascertain what will be a just compensation for the said property and land, or for such interest or estate therein as is proposed to be taken, and assess the damages, if any, to the adjacent or other property of such tenant or owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, and shall make report to the following effect: "We,, commissioners appointed by the court of the county (or city) of, to ascertain what will be a just compensation for such part of the land (or for such interest or estate in the land), of the freehold whereof is tenant, and for such other property as is proposed to be taken by the company, and to assess the damages, if any, resulting to the adjacent or other property of said tenant or owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, do certify that on the day of, the day designated in the said order (or the day to which we were regularly adjourned from the day designated in said order), we met together on the said part of the land, the limits of which part were then and there described to us as follows, to-wit: (Here describe the same, and the interest or estate therein, and the other property proposed to be taken, in such manner as to make it reasonably certain); and, after being duly sworn, upon a view of the part aforesaid, and of the adjacent and other property of said owner, and of the property of other persons who will be damaged in their property by the construction and operation of the works of said company; and upon such evidence as was before us, we are of opinion, and do ascertain, that for the said part (or for the interest or estate in the part), and for the other property so taken..... will be a just compensation, and the damages to the adjacent and other property of said tenant or owner, and to the property of other persons, who will be damaged in their property by reason of the construction and operation of the works of said company, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of such

works are: (Here set forth the amount of the damage, if any, to the adjacent and other property of the owner and other persons.) Given under our hands this day of"

9. The said report, and the certificates of the officer administering the oath, shall be forthwith returned to the clerk's office of such court of the county or city, where it shall remain for at least sixty days, after which, unless good cause be shown against the report, the same shall be confirmed by the court and recorded. The sum so ascertained to be a just compensation, and the measure of damages, if any, may be paid to the persons entitled thereto, or into court, and, when paid to the persons entitled thereto, the receipt for the same, when witnessed by two witnesses or acknowledged before a person duly authorized to take acknowledgments of deeds, together with the report, shall be recorded by the clerk of the court, and both the report and the receipt, when so recorded, duly indexed by said clerk. Upon such payment, either to the person entitled thereto or into court, and confirmation of the report, the title to the part of the land, and to the other property for which such compensation is allowed shall be absolutely vested in the company, in fee simple, except in the case of a turnpike company, where a sufficient right of way only for the purposes of such company shall be vested, and except also, in the case of any other company, where, if the notice of the application to the court shall so specify or describe, and the petition shall so pray, the interest or estate as shall be so specified or described, and prayed for, shall be vested.

10. If, however, good cause be shown against the report, or if the commissioners report their disagreement, or if they fail to report within a reasonable time, not to exceed ninety days, the court may, without further notice, as often as seems to it proper, appoint other commissioners, and the matter may be proceeded in as before prescribed.

11. Whether any such new appointment be made or not, the company, on paying into the court the sum ascertained by the previous report, may, notwithstanding the pendency of proceedings, enter into and construct its work upon or through that part of the land described in such previous report. And no order shall be made nor any injunction awarded by any court or judge to stay the proceedings of the company in the prosecution of its work, unless it be manifest that it, its officers, agents, or servants, are transcending their authority, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

12. When, after such payment into court, a report is made which is confirmed, if the sum thereby ascertained exceed what was so paid, judgment shall be given against the company for the amount of such excess, with legal interest thereon from the date of the award until payment thereof either into court, or to the party entitled thereto; and if what was so paid exceed the sum ascertained by the second report, the excess shall be paid back to the company. If the sum ascertained by the report, which is confirmed, be not more than the sum ascertained by the first report, the party applying for the appointment of other commissioners shall pay the costs occasioned by such application, unless the original re-

port was set aside on some other ground than that of insufficiency of compensation.

13. The company, when such judgment is rendered against it, shall thereafter have no right to possession of the land until the judgment is satisfied. From the time of such satisfaction by the payment of the money to the person entitled thereto, or into court, or from the time of the confirmation of the subsequent report, if no additional compensation be thereby ascertained, or from the time of the termination of the proceedings, if they be determined without such confirmation, the title to the fee simple in the land, or other property, or to the interest or estate condemned therein, shall be vested in the company.

14. To enable the court to dispose properly of any money so paid into court, it may have inquiries by a commissioner to ascertain what persons are entitled thereto, and in what proportions; and may make an order of publication requiring all interested to appear before the commissioner, that their respective claims may be passed upon. After such reference to a commissioner, and such publication, the court shall make such disposition of the money so paid into court as may seem to it right.

15. Instead of having commissioners appointed in the manner prescribed by sections five and six of this act, any such company may apply to the circuit court of any county, which shall, upon it appearing that such company has complied with the requirements of section four of this act; that notice has been given, by publication and posting, as required by section five of this act, and that the lands, or the interest or estate therein, and other property, proposed to be taken are necessary for the uses and purposes of such company, appoint five disinterested freeholders, who, or any three or more of whom, shall constitute a board to ascertain a just compensation to the owners of the several tracts of land and other property upon the line of improvement, within the said county, for such lands, or for such interests or estates therein, and for such other property as are proposed to be taken by such company for its purposes, and to assess damages, if any, resulting to the adjacent or other property of the respective owners, or to the property of any other person or persons beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works. Vacancies in the said board shall be filled without further notice by the court making the original appointment. The commissioners shall hold their office during the pleasure of the court, and shall receive three dollars for every day they shall be employed in the performance of their duties, to be paid by the company making application for their appointment.

16. Before executing the duties of his office, each commissioner shall take an oath before some officer authorized by the laws of this State to administer oaths, to the following effect: "I,, do solemnly swear that I will faithfully and impartially ascertain what will be a just compensation to the owner, in each case submitted to me, for such land (or for such interest or estate in the land), and for such other property as is proposed to be taken by the company for its purposes, and assess the damages, if any, to the adjacent and other property of each owner, or to the property of any other

person or persons, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, and will truly certify the same. Given under my hand this day of” Such oath shall be certified by said officer, and returned with the report of the commissioners, and filed in the office of the clerk of the county.

17. The commissioners so appointed and qualified shall in each case submitted to them, ascertain, in the manner prescribed for the commissioners by section eight of this act, what will be a just compensation for the land, or for the interest or estate therein, and for the other property proposed to be taken as aforesaid, and award the damages, if any, resulting to the adjacent and other property of the owner or owners, and to the property of any other person or persons beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, and make a report to the following effect: “We, commissioners duly appointed and qualified, hereby certify that on the day of, we met together on the land of, which (or an interest or estate in which), is proposed to be taken by the company for its purposes, and then and there described to us as follows: (Here describe it, and the interest or estate therein, proposed to be taken, in such manner as to make it reasonably certain); and upon a view of the land aforesaid, and of the adjacent and other property of the owner, and of the property of other persons, who will be damaged in their property by the construction and operation of the company's works, and upon such evidence as was before us, we ascertain that for the part of the said land (or for the interest or estate in the land), and the other property proposed to be taken, will be a just compensation; and the damages to the adjacent and other property of said owner (and to the property of any other person or persons, if any), beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works are Given under our hands this day of” But notice of the time for the commissioners to meet on any land which, or an interest or estate in which, is proposed to be so taken, shall be given in the manner prescribed by section five of this act.

18. The proceedings of the commissioners appointed and acting under the three preceding sections shall conform to the general provisions of this act, and they shall have all the general powers conferred by this act, and they shall return their report to the court appointing them, and the court of such county shall have the like authority over it, and the proceedings thereon shall be the like in all respects as are prescribed by sections nine, ten, eleven, twelve, thirteen, and fourteen of this act.

19. Notwithstanding any such company may have made a location of lands for its purposes, and proceeded to ascertain the compensation therefor, or may have completed its works thereon, and operated the same, such company may afterwards change its location, from time to time, as often as it may see cause; and proceedings may be had to ascertain what will be a just compensation for the lands, or for the interest or estate

proposed to be taken in the land, and the damages to the adjacent and other property of the owner, or to the property of other persons, upon any such new location, and the work may be constructed upon or through the same, and the title to such lands, or to such interest or estate therein, obtained in like manner as if it were the first location. But whenever a change of location authorized by this section shall be made, the title to lands, or to the interest or estate therein, condemned for the former location shall revert to the original owner, his heirs or assigns. And full power and authority is hereby given any railroad company chartered by the State of Virginia to change the location of any part of the line of its railroad between its existing termini, in order to straighten or improve the same, whenever such change may be considered desirable by its board of directors, so as to shorten the distance between its termini or between its main line and the terminus of any branch, or so as to improve the grades or alignment on said main line or branch; but in making such change or improvement no road shall be permitted to abandon its own tracks or road-bed, and adopt and use the tracks or road-bed of any other railroad in lieu of its own; and proceedings may be had to ascertain what will be a just compensation for the lands, or for the interest or estate therein, required for such new location, and the damages to the adjacent and other property of the owner, or the property of other persons, in the manner provided in this act, and the work may be constructed upon or through the same, and the titles to such lands, or to such interest or estate therein, obtained in like manner as if it were the first location: provided, however, that such new line shall be located at no greater distance than one mile from any station already established on said railroad, and at no greater distance than two miles from any point on the then existing line of said road: and provided, further, that if any station shall be abandoned in consequence of such change, that then, and in that event, another station shall be established in lieu thereof at the nearest practicable point thereto: and provided, further, that in so changing the location of its lines no company shall remove its lines from nor abandon a county which subscribed money to the building of such lines through such county: and provided, further, that no such change of route which would amount to an abandonment of a station at any town or village having a population of one hundred inhabitants or over, or having a courthouse or county seat, shall be made: and provided, further, that whenever any station shall be so abandoned at which there shall be located any manufacturing establishment or establishments of the assessed value of five thousand dollars or over, the owners of such establishments shall be paid such damages as they may sustain by reason of said change of location, not exceeding the assessed value thereof, such damages to be ascertained by the commissioners appointed in the manner in this act provided, for the condemnation of lands, or an interest or estate therein, for that purpose by the court of the county in which said station is located.

20. If the company and the person whose land, or any interest or estate therein, is being condemned under the provisions of this act shall, before the commissioners make their report, enter into any contract in relation to the building, operating, or maintaining the proposed work, or in relation to fencing, culverts, depots, stations, crossings, sidings, cattle-

guards, damage from fire, injury to or destruction of property, real or personal, or like matters, it shall be the duty of the said commissioners, if said contract is brought to their attention by the parties thereto, to set forth such contract in their report, to be considered and acted on by the court as a part of the said report; and if the said report be confirmed, and the land, or the interest or estate therein, be taken, the said contract shall thereafter run as a covenant with the said land, or with the interest or estate therein, so taken.

21. The clerk of the court wherein there is a condemnation of land, or of any interest or estate therein, for any purposes in this act mentioned, shall make and certify a copy of so much of the reports, orders, and proceedings in the cause as shall show such condemnation, and also any such contract, if any there be, as is mentioned in the preceding section, and deliver or transmit the same, and along therewith such description of the land, and of such interest or estate therein, as appears by the papers in the cause, to the clerk of the court of the county or city in which any portion of the land lies, or to the clerk of the chancery court of the city of Richmond, if any portion of the land lies within the corporate limits of the said city, who shall record the same in his deed book, and index it in the name of the person who had the land before, and also in the name of the company or party acquiring such lands, or such interest or estate. The fees of the clerk for recording shall be the same as for recording a deed, and said fees, as well as the fees of the clerk for making the copy aforesaid, shall be paid by the company or other party on whose behalf the condemnation is made.

22. Any such company may, by its officers, agents, or servants, enter upon any convenient lands for the purpose of obtaining therefrom wood, sand, stone, gravel, earth, or other material necessary to be taken and used in the construction, maintenance, operation, or improvement of its work, and may, in like manner, take and consume any and all water not required by the owner and necessary for the uses of its engines, whether locomotive or stationary, or other purposes; and may, in the mode prescribed by this act, condemn as much land contiguous to such water as shall be required for the construction of suitable wells or reservoirs, locating its pumping engines and machinery, for the erection of buildings for the protection of the same, and for the right of way thereto; and may also condemn as much land as may be necessary for pipes to be used for conducting said water to the proper locality. But said company shall not cut down any fruit tree, or any tree preserved in any field or lot for shade or ornament, or take any building, nor take any of said things from any lot in a city or town. Before taking any of said things, the company, unless it agrees therefor with those having the right thereto, shall give notice in the manner provided by section five of this act, to the tenant of the freehold, and in case of water, shall give notice in the same manner to the owner or tenant of the land upon which said water is located; and although it may own or acquire the land upon which the water is located, or be able to agree with the owner therefor, it shall further give notice in like manner to all riparian owners, having an interest likely to be affected by such action, that at a certain time and place, to be specified in the notice, application will be made to a justice to appoint commissioners to

ascertain what will be a just compensation for the same, and to assess the damages, if any, to the owner or any other person, in his property, affected by such taking. At such time and place the justice shall appoint three disinterested freeholders as commissioners, and designate the time and place of their meeting, who, after being sworn, shall view the premises and report in writing the extent to which wood, sand, stone, gravel, earth, water, or other material is proposed to be taken, the nature of the injury which may be done in cutting, quarrying, digging, consuming, or carrying away the same, and what will be a just compensation therefor, and the damage to the owner, or any other person in his property, affected thereby. The notice, certificate of the commissioners having been sworn, and their report, shall be forthwith returned to the court of the county. If good cause be shown against the report, or if the commissioners cannot agree, or fail to report, within a reasonable time, the court may, as often as seems to it proper, without further notice, appoint other commissioners, and designate the time and place of their meeting, who shall act and report in the manner before prescribed. If the report be confirmed, upon the payment to the person or persons entitled thereto, or into court, of the sum or sums so ascertained, the company may take, carry away, use, and consume the wood, sand, stone, gravel, earth, water, or other material for which such compensation and damages, if any, may have been allowed; and though the report may not be confirmed, upon the payment into court of the sum or sums therein mentioned, it may proceed in like manner as if the report had been confirmed and payment made of the sum or sums thereby ascertained. Upon the coming in of a new report, after such payment into court, if it confirms the report, judgment shall be rendered as in cases provided for by section twelve of this act. From the time any such judgment is rendered against the company, its right to cut, quarry, dig, take away, use, and consume, shall be suspended until the said judgment shall be satisfied. To enable the court to dispose properly of any money so paid into court, it may proceed in the mode prescribed by section fourteen of this act. Any person claiming to be damaged in his property by such taking may appear at the time and place specified, make himself a party to the proceedings, and have his rights passed upon by the commissioners, and his damage, if any, ascertained, allowed, and paid as hereinbefore provided for the taking of the water, or other things named in this section. But after such notice, and the judgment of the court upon the report of the commissioners, and the payment to the person or persons interested, or into court, of the amount ascertained as hereinbefore provided, no action for such damages shall be brought against the company using or consuming said water or other things.

23. Any person whose property, or any interest or estate therein, is to be taken, or who claims that he will be damaged in his property by reason of the location, construction, straightening of the line, or change of location, maintenance, or proper and reasonable operation of any works in this act mentioned, or by the taking of any land, or other property, or an interest or estate therein, for public use, may appear before the commissioners appointed as in this act provided, at the time and place provided for their meeting, make himself a party to the proceedings, and have his

rights passed upon by the commissioners, and his damages, if any, ascertained, allowed, and paid as in this act hereinbefore provided for the taking of land, material, water, or other things. But after the notice required by this act, and the judgment of the court upon the report of the commissioners, and the payment to the person or persons therein named, or into court, for their use, of the sum or sums of money ascertained by such report, no action shall be brought by any person, whether he appeared or not, to recover compensation for the taking of such lands, or other property, or of any interest or estate therein, or for damages, considered and passed upon by the commissioners, resulting to the owner, or to any other person from the location, construction, straightening of the line, or change of location, maintenance, or proper and reasonable operation of any such works.

24. Nothing in the preceding sections of this act shall be so construed as to authorize the condemnation or acquisition, except by the consent of the general assembly, of any lands belonging to, attached to the site, or used for the purposes of any university, college, or other seminary of learning owned and controlled by the Commonwealth, or to authorize the condemnation or acquisition, except by the consent of the general assembly, of any lands belonging to, attached to the site, or used for the purposes of any State hospital, lunatic asylum, or the institution for the deaf and blind, or to authorize the condemnation of any cemetery or burial ground, or any part thereof, established prior to the date of the charter of such company proposing to condemn. But the lands of any university, incorporated college, or other seminary of learning, not owned and conducted by the Commonwealth, shall be subject to condemnation for the purposes of electric railways and public highways: provided, no part of such lands shall be condemned which are within five hundred feet of any building erected and used for school purposes at the time proceedings are instituted, nor through the land which surrounds the school buildings and is used at such time as a campus, park, or athletic ground or field in connection therewith.

25. If the court, or the board of supervisors, of any county, the council of any city or town, the trustees of any school district, the institution for the deaf and blind, any of the State hospitals, the University of Virginia, the Virginia Military Institute, or any other institution of this State, cannot, because of the incapacity of the owner, or inability to agree upon a price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, buildings, structures, sand, earth, gravel, water, or other material necessary to be taken and used for the purposes of such county, city, or town, or school district, or for the purposes of the institution for the deaf and blind, or of any such State hospital, or of the University of Virginia, or of the Virginia Military Institute, or of any other State institution, it may acquire the same by condemnation under the provisions of this act, and the proceedings in all such cases shall be according to the provisions of this act so far as they can be applied to the same.

26. In any case in which a company, county, city, town, school district, institution, or hospital may be entitled under the laws of this Com-

monwealth to enter upon and condemn any lands, or other property, or any interest or estate therein, the sheriff or sergeant, whenever required, shall attend and remove, if necessary, any forcible resistance to such entry and condemnation.

27. If, in any proceeding under the provisions of this act, the commissioners shall fail to report as hereinbefore provided within one year from the date of the order appointing them, such appointment shall ipso facto be vacated, and proceedings shall thereafter be had de novo for the appointment of other commissioners, but this section shall not be construed as to preclude the appointment of any one or more, or all, of the former commissioners. If, in any such proceeding, the amount or amounts ascertained by the commissioners as aforesaid, be not paid either to the party entitled thereto, or into court, within three months from the date of the filing of the report of the commissioners, the proceedings shall ipso facto be vacated and dismissed.

28. Nothing contained in this act shall be construed to alter, amend, or repeal section fifty-two of chapter five of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three.

29. This act shall be in force from and after February first, nineteen hundred and four.

CHAP. 609.—An ACT concerning public service corporations.

Approved January 18, 1904.

CHAPTER I.

Definition of Terms.

1. Be it enacted by the general assembly of Virginia, as follows: As used in this act, the words "public service corporation," or "public service corporations," shall include transportation and transmission companies, turnpike, and other internal improvement companies, and gas, pipe line, electric light, heat, power, and water supply companies, and all persons, firms, partnerships, associations, or corporations authorized to exercise the right of eminent domain, or to use or occupy any street, alley, or public highway, whether along, over, or under the same, in a manner not permitted to the general public, and shall exclude all municipal corporations and public institutions owned or controlled by the State.

2. As used in this act, the words "transportation company," or "transportation companies," shall include any company, trustee, or other person owning, leasing, or operating, for hire, a railroad, street railway, canal, steamboat, or steamship line; and also any freight car company, car association, car service association, or car trust, express company, or company, trustee, or person in any way engaged in business as a common carrier, over a route acquired in whole or in part under the right of eminent domain.

3. As used in this act, the words "transmission company," or "trans-

mission companies," shall include any company owning, leasing, or operating, for hire, any telegraph or telephone line.

4. As used in this act, the word "railroad," or "railroads," shall include all railroad or railway lines, whether operated by steam, electricity, or other motive power, except when otherwise specifically designated; and the words "railroad company," or "railroad companies," shall include any company, trustee, or other persons owning, leasing, or operating a railroad or railroads, railway or railways, whether operated by steam, electricity, or other motive power, except when otherwise specifically designated.

CHAPTER II.

General Provisions.

1. No public service corporation, cold storage, compressed air, viaduct, conduit, or bridge company, nor any corporation, association, person, or partnership, engaged in these or like enterprises, shall use, cross, or occupy with its works the streets or alleys, public or private, or the public grounds, of any incorporated city or town, whether along, over or under the same, without the consent of the corporate authorities thereof; and in case any person shall be damaged in his property by any such use, occupation, or crossing, such corporation, association, person, or partnership shall, before using, crossing, or occupying such streets, alleys, or public grounds, make compensation therefor to the person so damaged. Said compensation, if the parties cannot agree upon the same, shall be ascertained in the mode prescribed in the laws regulating the exercise of the right of eminent domain.

2. It shall be the duty of every railroad, canal, or other public service corporation, whose road, canal, or works passes through the lands of any person in this State, to provide proper and suitable wagon ways across said road, canal, or other works, from one part of said land to the other, and to keep such ways in good repair. Such ways shall be constructed on the request of the land owner, in writing, made to any section master, agent, or employee of such company, having charge and supervision of the railroad, canal, or other works at that point, and shall designate the points at which the wagon ways are desired; and if there be no section master, agent, or employee of such company, having charge or supervision of the railroad, canal, or other works, at such point, then on the request of the land owner, in writing, made to the company, or any officer or director thereof. If the company fail or refuse for ten days after such request to construct wagon ways of a convenient and proper character at the places designated, then the owner, having given ten days' notice in writing, as aforesaid, may apply to the circuit court of the county or the corporation or hustings court of the city wherein the said land is located for the appointment of three disinterested persons whose lands do not abut on the said railroad, canal, or other works, who shall constitute a board of commissioners, whose duty it shall be to go upon the land and determine whether the wagon ways asked for should be constructed. Their decision shall be in writing, and if favorable to the land

owner, it shall set forth the points at which the wagon ways should be constructed, giving also a description of what should be done by the company to make a suitable and convenient way. The decision of the commissioners shall be returned to and filed in the clerk's office of such court, and when called up at the next or any succeeding term of said court, it shall be confirmed, unless good cause is shown against it by the company, either party to have the right of appeal to the supreme court of appeals from the judgment of the said court. If the company shall fail, within a reasonable time to be fixed by the court at the time of the confirmation of a report favorable to the land owner, to make the wagon ways therein referred to, of a suitable and proper character, then, thereafter, it shall pay the land owner five dollars for each and every day of such failure, which may be recovered on motion by the land owner against the said company, in the court of the county or city wherein the said land is located, having jurisdiction to try the same. The commissioners shall each receive for their services the sum of two dollars per day, to be taxed as a part of the costs of the proceeding.

3. If any railroad, canal, turnpike, or other public service corporation deems it necessary in the construction of its works to cross any other railroad, canal, turnpike, or works of any other public service corporation, or any county road, it may do so: provided, such crossing shall be so located, constructed, and operated as not to impair, impede, or obstruct, in any material degree, the works and operations of the railroad, canal, turnpike, or other works, to be crossed: and provided, such crossing shall be supported by such permanent and proper structures and fixtures, and shall be controlled by such customary and approved appliances, methods, and regulations as will best secure the safe passage and transportation of persons and property along such crossing, and will not be injurious to the works of the company to be crossed. The cost of such crossings, their appliances and apparatus, and of the repair and operation of the same, shall be borne by the party desiring to make the crossing. Before the work is commenced upon the crossing, the president or general managing officer of the company which proposes to cross the works of another company shall submit plans, specifications, appliances, and methods of operation to the president or other general officer of the latter company; and if the said plans and specifications are not accepted within thirty days after the same have been delivered to the president, or any general officer of the company whose works are to be crossed, the president or general managing officer of the first named company may then proceed with the construction and operation of the said crossing, under the plans and specifications, and with the appliances and methods, so submitted: provided, however, the president or general managing officer of the company whose works are to be crossed may, within fifteen days from the date of the service of such notice, apply to the State corporation commission to inquire into the necessity for such crossing, and the propriety of the proposed location, and all matters pertaining to its construction and operation; and thereupon, within thirty days from the date of the service of the first notice aforesaid, the State corporation commission in its discretion may, by notice served upon both companies, suspend work on said crossing for such reasonable time, prescribed in said notice, as it may

deem necessary to make such inquiry. The said State corporation commission may, in its discretion, where railroads or canals are to be crossed by other railroads or canals, employ expert engineers, at a cost not exceeding five hundred dollars, to be paid equally by both companies, who shall, with the State corporation commission, or some member thereof, or such person as the said commission may designate, examine the location, plans, specifications, appliances, and methods proposed to be employed, and shall hear any objections and consider any modifications that the company whose line is to be crossed desires to offer, and within such time as the State corporation may fix shall reject, approve, or modify the said plans and specifications, which shall, unless an appeal be taken to the supreme court of appeals within thirty days from the date of the final order of said commission, be final and binding on both companies. If any such company desires that the course of any other railroad, turnpike, canal, or other works shall be changed to avoid the necessity of any crossing, or frequent crossings of the same, the change may be made in such manner and on such terms as may be agreed on by the company desiring the change, and the company, person, or county owning or having charge of the works to be affected by such change. If any such crossing or change as is provided in this section cause damage to the works of any company, or of any county, or to the owner or occupant of any lands, the company exercising the privileges herein granted shall make proper compensation for such damage. Upon the failure of the company desiring to make the crossing to receive notice of the acceptance of the said plans and specifications within thirty days from giving the notice aforesaid, or upon the adoption of the plans, appliances, and methods by the State corporation commission, or if an appeal be taken as aforesaid, upon the adoption by the supreme court of appeals of the plans, appliances, and methods, and the payment of the proper compensation for damages by the company desiring to cross the works of another company, such damages to be ascertained according to the laws regulating the exercise of the right of eminent domain, work may be commenced immediately, and no order shall be made, and no injunction awarded, by any court or judge to stay the proceedings or prosecution of the work; but any county road, or stream, or water course, may be altered by any such company for the purposes aforesaid whenever it shall have made an equally convenient road or waterway in lieu thereof, the said company having first obtained the consent of the board of supervisors of the county to the alteration of any road or highway.

4. The general assembly reserves the right to provide for connecting any work of a railroad, canal, or turnpike company, or other public service corporation, with any other work of companies of the like character, at such point as may seem to it proper.

5. It shall be the duty of every corporation, association, person, or partnership erecting or maintaining any wires over or across any such works to support the same by, and to maintain all proper and needful structures, fixtures, and approved appliances as to afford the utmost protection to the employees of any railroad, canal, turnpike, or other public service corporation, and to all persons traveling upon or using the same.

6. No sale of any railroad, canal, turnpike, or other work of internal

improvement in which the State is a stockholder, or otherwise interested, shall take place, whether by virtue of mortgage, deed of trust, judgment, decree, or other lien, without ninety days' notice in one or more newspapers published in the city of Richmond, and in a newspaper, if any, published in the county wherein such railroad, canal, turnpike, or other work of internal improvement is situated; and further, without ninety days' notice served on the State corporation commission by the person authorized to make the same.

7. Every railroad, canal, turnpike, or other internal improvement company, to the stock of which a subscription has been made on behalf of the State, shall, upon declaring a dividend of the profits of such company, cause information thereof to be given to the State corporation commission. And when the proportions of the private stockholders of such dividend are payable, the proportion of the State shall be paid into the public treasury to the credit of the commissioners of the sinking fund. If sixty days elapse after the time for the payment without such payment being made, the company shall be fined not exceeding five hundred dollars.

8. The charter of every public service corporation heretofore or hereafter incorporated, may be repealed by any future legislature; except, that no law shall be passed for taking from a company its works or property without making to it just compensation.

9. Every railroad, canal, turnpike, or other internal improvement company, to the stock of which there has been a subscription on behalf of the State, shall, on or before the first day of September in each year, make a report to the State corporation commission, setting forth the condition of the work; the expenditures for such year, and receipts for the same time; and how much from each source of revenue. The report shall be accompanied by a list of the stockholders in the company at the time of making the same, and shall give such other information respecting the affairs under the management of those making it as said commission may, previous to the first day of September, have requested.

10. All persons having the management or superintendence of any work on any turnpike or other internal improvement, made on the State account, or of work undertaken partly on the State account and partly by others in the State (except such roads or turnpikes as have been transferred to the courts of the respective counties through which they pass), shall annually, before the first day of September, make a report similar to that required by the preceding section, so far as the same is applicable.

11. Any person who shall wilfully destroy, injure, or obstruct any of the works or property of a public service corporation, shall be liable to such corporation for three times the amount of the actual damage thereby sustained: provided, however, that this section shall not be construed to relieve such person of any liability to criminal prosecution for such offense, or of any fine or imprisonment imposed by law therefor.

12. If a sale be made under a deed of trust or mortgage, executed by a public service corporation, on all its works and property, and there be a conveyance pursuant thereto, such sale and conveyance shall pass to the purchaser at the sale not only the works and property of the company as they were at the time of making the deed of trust or mortgage, but any works which the company may, after that time and before the sale, have

constructed, and all other property of which it may be possessed at the time of the sale other than debts due to it. Upon such conveyance to the purchaser, the said company shall ipso facto be dissolved, and the said purchaser shall become a corporation by any name which may be set forth in the said conveyance, upon complying with the provisions of section thirty-six, chapter five, of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three.

13. The corporation created by or in consequence of such sale and conveyance, shall succeed to all such franchises, rights, and privileges, and perform all such duties as would have been had or should have been performed by the first company but for such sale and conveyance, including in the case of a railroad corporation the duty of maintaining and operating any branch or lateral road which may have been constructed and operated before the sale, and of transporting freight and passengers thereon; save only, that the corporation so created shall not be entitled to the debts due to the first company, and shall not be liable for any debts of, or claims against, the said first company, which may not be expressly assumed in the contract of purchase, and the whole profits of the business to be done by such corporation shall belong to the said purchaser or his assigns. His interest in the corporation shall be personal estate, and he or his assigns may create so many shares of stock therein as he or they may think proper, not exceeding together the amount of stock in the first company at the time of the sale, except in pursuance of an amendment to the charter obtained according to law, and may assign the same in a book to be kept for that purpose. The said shares shall thereupon be on the footing of shares in corporations generally, except only that the first meeting of the stockholders shall be held on such day and at such place as shall be fixed by the said purchaser, of which notice shall be published for two successive weeks in a newspaper.

14. The debts due to and by, and claims against, the corporation whose works and property are so sold, shall be subject to the provisions contained in section seventeen of this chapter, and the said company, notwithstanding its dissolution, shall, as to said debts and claims, have the power and perform the duties prescribed by that section and be served with process as therein provided.

15. The works and property of a public service corporation sold under a decree of a court having competent jurisdiction, shall be held by the purchaser thereof, subject to all the provisions of the three preceding sections, so far as the same may be applicable to such sale.

16. When any public service corporation shall expire or be dissolved, or its corporate rights and privileges shall have ceased, all its works and property, and debts due to it, shall be subject to the payment of debts due by it, and then to distribution among the members or stockholders, according to their respective interests; such corporation may sue and be sued as before for the purpose of collecting debts due to it, prosecuting rights under previous contracts with it, and enforcing its liability, and distributing the proceeds of its works, property, and debts among those entitled thereto. Notice to or process against such company, if necessary in any suit or civil proceeding, shall be sufficiently served by publication

thereof once a week for four successive weeks in some newspaper published in the county or corporation wherein the suit or proceeding is; or, if there be no newspaper published in said county or corporation, in a newspaper published in some neighboring county or corporation in this State, to be designated by the clerk of the court in which said suit or proceeding is.

17. Every public service corporation heretofore or hereafter incorporated and authorized to construct, maintain, or operate, in this State, any work or works of public service, and any association, person, or partnership constructing, maintaining, or operating any such work or works, shall be governed by the provisions of this chapter, and of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, so far as they apply to and are legally binding on such corporations, associations, persons, and partnerships, as well as by any laws that may hereafter be enacted relating to such corporations.

18. The expenses incurred prior to the organization of any public service corporation, for preliminary surveys, or for stationery or advertising, or other necessary matter or thing, may, if deemed reasonable by the president and directors, be paid by their order.

19. Any person or corporation aggrieved by anything done or omitted in violation of any of the provisions of this act, by any public service corporation chartered or doing business in this State, shall have the right to make complaint of the grievance and seek relief by petition against such public service corporation before the State corporation commission, sitting as a court of record. If the grievance complained of be established, the State corporation commission, sitting as a court of record, shall have jurisdiction, by injunction, to restrain such public service corporation from continuing the same, and to enjoin obedience to the requirements of this act, and the said commission, sitting as a court of record, shall also have jurisdiction, by mandamus, to compel any public service corporation to observe and perform any public duty imposed upon public service corporations by the laws of this Commonwealth, subject as to any matter arising under this section to the right of appeal to the supreme court of appeals by either party as of right in the mode prescribed by law, but nothing in this section shall be construed to confer any power upon the State corporation commission which is forbidden to the courts by section twelve of chapter four of this act.

20. Nothing in this act contained shall in any way abridge or alter the remedies at common law or by statute, but the provisions of this act are in addition to such remedies: provided, that no pending litigation shall in any way be affected by this act.

CHAPTER III.

Transportation Companies.

1. It shall be unlawful for any transportation company doing business in this State to take, charge, or receive any greater compensation in the aggregate for the transportation of passengers of the same class or pro-

perty along the same line in the same direction for a shorter than for a longer distance, the shorter being included within the longer distance. But this section shall not be construed as authorizing any such company to charge and receive as great compensation for a shorter as for a longer distance: provided, however, that upon application to the State corporation commission any such company may, in special cases, after investigation by the said commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the said commission may, from time to time, subject to the provisions of the Constitution, prescribe the extent to which such designated company may be relieved from the operation of this section: provided, that nothing in this chapter contained shall be taken as in any manner abridging or controlling the rates of freight charged by any transportation company in this State for conveying freight which comes from, or goes beyond, the boundaries of the State, and on which freight less than local rates on any transportation line carrying the same are charged by such company, but said company shall possess the same power and right to charge such rates for carrying such freight as they possessed before the passage of this act: provided, further, however, that upon the complaint of any person or persons, corporation or corporations, to said commission of any unjust discrimination in carrying freight which comes from, or goes beyond, the boundaries of the State by any transportation company, whether organized under the laws of this State or organized under the laws of another State, and doing business in this State, the said commission may, in its discretion, and if it shall be of opinion that the public welfare requires it, investigate said complaint, and if the same be sustained, it shall be the duty of said commission to bring said complaint before the interstate commerce commission for redress in accordance with the provisions of the act of congress establishing said interstate commerce commission, in which cases they shall receive, upon application, the services of the attorney-general of the State, and he shall represent them before the interstate commerce commission: provided, further, that nothing in this chapter shall prohibit railroad or steamboat companies from making special passenger rates with excursion or other parties; also rates on such freights as are necessary for the comfort of such parties, subject to the approval of the State corporation commission.

2. If any transportation company shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any corporation, person, or persons, a greater or less compensation for any service rendered, or to be rendered in the transportation of passengers or property, subject to the provisions of this chapter, than it charges, demands, collects, or receives from any other corporation, person, or persons for doing for him or them alike and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such company shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

3. It shall be unlawful for any transportation company to make or to give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or to any par-

ticular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

4. All transportation companies shall, according to their respective powers, and with due regard to the exigencies of their other traffic, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for receiving, forwarding, and delivering of passengers and property to and from their several lines, and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such company to establish or maintain unremunerative train service, or to give the use of its track or terminal facilities to another company engaged in a like business.

5. Every transportation company shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which have been established and which are in force at the time upon its route. The schedules printed as aforesaid by any such company shall plainly state the places upon its route between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, and any rules and regulations which in any wise change, affect, or determine any part, or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted or exhibited in two public and conspicuous places in every depot, station, or office of such company where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public, and can be conveniently inspected.

6. No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid, until the same are submitted to and approved by the State corporation commission; and when so advanced ten days' public notice thereof shall be given, which shall plainly state the changes made in the schedule then in force, and the time when the increased rates and fares and charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection.

7. And when the State corporation commission shall have either authorized or prescribed and published any such rates, fares, and charges, it shall be unlawful for any such company to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges, so authorized, or prescribed and published by said commission, unless or until changed by the State corporation commission.

8. Every transportation company shall submit to the State corporation commission all of its schedules of rates, fares, and charges, and of all changes made in the same.

9. Any transportation company, or officer or agent thereof, or any

person acting for or employed by the same, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and wilfully assist, or shall willingly suffer or permit any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such company, shall be fined not less than one hundred dollars nor more than five hundred dollars.

10. Any person, or any officer of any corporation or company, who shall deliver property for transportation to any transportation company, or for whom as consignor or consignee any such transportation company or line, shall transport property, who shall knowingly and wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other fraudulent device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

11. If any person, or any officer or agent of any corporation or company shall, by the payment of money or other things of value, solicitation, or otherwise, fraudulently induce any transportation company or any of its officers or agents, to unjustly discriminate in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any transportation company in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

12. All transportation companies in this State shall, on demand, issue duplicate freight receipts to shippers in which shall be stated the class or classes of freights shipped, the freight charges over the line, giving the receipt, and so far as practicable shall state the aggregate freight charges to point of destination over the line or lines that carry such freight. When the consignee presents such receipt to the agent of the company that delivers such freight, such agent shall deliver the articles shipped, if the same have arrived, upon payment of the freight bill at the rate charged for the class of freight mentioned in the receipt. If any transportation company shall violate the provisions of this section, it shall incur a penalty of one hundred dollars for each violation, to be recovered by the party injured.

13. It shall be the duty of every transportation company, or carrier, upon the arrival of freight shipped to any of its depots or stations, to notify the consignee by mail or otherwise when such freight is ready for delivery, and give a reasonable time for the removal of the same, making due allowance for its class and for bad weather and holidays.

14. Every transportation company or line, doing business in this State, shall, at the time when such company delivers any article shipped or transported over its line, furnish to the owner or consignee thereof, or to his agent, a bill, plainly stating the class of freight to which said articles belong, the weight thereof, and the rate charged for transporting the same.

15. Nothing in this chapter shall apply to the carriage, storage, or handling of property free or at reduced rates, when such rates have been authorized or prescribed by the State corporation commission for the United States, State or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of homeless and destitute persons, and the necessary agents employed in such transportation, or to mileage, excursion, or commutation passenger tickets, or to persons in charge of live stock being shipped from the point of shipment to the point of destination and return. Nothing in this chapter shall be construed to prohibit any transportation company from giving reduced rates to ministers of religion, or to indigent persons, or to inmates of the Confederate homes or State homes for disabled soldiers and sailors, or to disabled soldiers and sailors, including those about to enter, and those returning home after discharge, or carrying the same free; nothing in this chapter shall be construed to prevent transportation companies from giving free carriage to their own officers, employees, and members of their families, or to any other person or persons to whom the giving of such free carriage is not prohibited by the Constitution of this State, or to prevent the principal officers of any transportation company from exchanging passes or tickets with other transportation companies for their officers, employees, and members of their families.

16. All contracts and agreements hereafter made and entered into between transportation companies doing business in this State, as to rates or freight and passenger tariffs shall be submitted to the State corporation commission for inspection, that it may be seen whether or not they are in violation of law or of the rules and regulations of said commission; and all arrangements and agreements whatever as to the division of earnings of any kind by competing transportation companies doing business in this State shall be submitted to said commission for inspection in so far as they affect the rules and regulations made by said commission to secure to all persons doing business with said companies just and reasonable rates of freight and passenger tariffs, and any such agreements disapproved by virtue of which rates shall be charged exceeding the rates fixed for freight and passengers shall be deemed, held, and taken to be violations of the provisions of this chapter, and shall be illegal and void.

17. The reasonableness, justness, and validity of any rate, charge, classification of traffic, regulation or requirement, theretofore prescribed by the State corporation commission, within the scope of its authority and then in force, shall not be questioned in suits brought by any person in the ordinary courts of justice, against any transportation company wherein is involved the charges of any such company for the transportation of any passenger or freight, or cars, or unjust discrimination in relation thereto, but in all courts of this State shall be conclusively presumed to be reasonable, just, and valid; and said commission shall, from time to time, and as often as circumstances may require, prescribe, change, and revise, or cause to be changed and revised, the schedules of rates, charges, and classification of traffic of transportation companies. All such schedules shall be received and held in all such suits as *prima facie* the schedules of the State corporation commission, without further proof

than the production of the schedules desired to be used as evidence, with a certificate of the clerk of the commission that the same is a true copy of the schedule prepared or approved by said commission for the transportation company therein named.

19. All lawful transportation companies shall obey all rules and regulations made by the State corporation commission relating to trackage in cases where the public necessity for such trackage exists. Any violation of the provisions of this section shall be punished by a fine of not less than one hundred dollars, or exceeding one thousand dollars, for each and every offense.

20. No transportation company shall, knowingly, transport within the territorial limits of this Commonwealth, or knowingly transport into such limits for sale, storage, or use therein, any explosive compound in quantities exceeding the amounts hereinafter provided for, in any vehicle containing passengers, or in any vehicle attached to any railroad train or vehicle containing passengers, or in any case, unless the said explosive compounds be plainly and legibly marked with the names of such compounds and the words "explosive," "dangerous." It shall be the duty of the State corporation commission, from time to time, to make rules fixing the maximum amounts of various explosive compounds which may be so carried in any public vehicle attached to such train, or in any car or public vehicle, whether freight or passenger, and the method of packing; and said rules, subscribed by the clerk of said commission, shall be published for the period of four weeks in a daily paper published in the city of Richmond, and a copy of said rules, certified by the clerk of said commission, and a like certificate of the fact of their due publication, shall in all cases be legal and conclusive proof of said rules and of the proper publication thereof.

21. Any transportation company that shall knowingly transport any explosive contrary to the rules prescribed as aforesaid by the State corporation commission, after they shall have been published as in section twenty-one required, or who shall send or receive such explosive compound not marked as aforesaid, or who shall send such explosive compound not packed as required by said rules; or any conductor of a train of cars on any railroad, or captain of a steamboat, or person in charge of any public vehicle engaged in transporting passengers or freight, who shall knowingly fail to observe said rules in transporting an explosive compound after the same shall have been published as aforesaid, shall be fined not less than fifty nor more than five hundred dollars.

22. Every officer, agent, or employee of any transportation company who shall wilfully neglect or refuse to make and furnish any report lawfully required by the State corporation commission for the purposes of this act, or who shall wilfully or unlawfully hinder, delay, or obstruct the said commission in the discharge of the duties imposed upon it by the Constitution, or by law, connected with the objects and purposes of this act, shall be fined five hundred dollars for each offense.

23. Any transportation company or corporation which violates any of the provisions of this chapter, or refuses to conform to or obey any lawful rule, order, or regulation of the State corporation commission relating to the provisions of this chapter, may, when not otherwise provided in this

chapter, be fined by the State corporation commission, in its discretion, in sum not exceeding five hundred dollars for each offense, and each day such company or corporation continues to violate any provision of this chapter, or continues to refuse to obey or perform any lawful rule, order, or regulation prescribed by the State corporation commission, shall be a separate offense.

24. Whenever any property is received by a common carrier to be transferred from one place to another, within or without this State, or when a railroad or other transportation company issues its receipt or bills of lading in this State, the common carrier, railroad or transportation company issuing such bill of lading shall be liable for any loss or damage or injury to such property caused by its negligence or the negligence of any common carrier, railroad or transportation company operating within any territory or State of the United States to which such property may be delivered, or over whose lines such property may pass; and the fact of loss or damage in such case shall itself be *prima facie* evidence of negligence, and the common carrier, railroad or transportation company issuing any such receipt or bill of lading shall be entitled to recover in a proper action the amount of any loss, damage, or injury it may be required to pay to the owner of such property from the common carrier, railroad or transportation company aforesaid through whose negligence the loss, damage, or injury may be sustained. No contract, receipt, rule, or regulation shall exempt any such common carrier, railroad or transportation company from the liability of a common carrier which would exist had no contract been made or entered into.

The receipt of goods destined to a point beyond the line or route of the initial carrier or the acceptance of through freight on same, shall be deemed to be a contract for carriage to ultimate destination and delivery of such property at that point. And unless the common carrier, railroad or transportation company first receiving such property shall, within a reasonable time after loss or damage thereto, pay to the consignor, his agent or assignee the amount of damage sustained thereby, then such consignor, his agent or assignee may by proper action recover of such common carrier, railroad, or transportation company first receiving such property the amount of such loss or damage.

25. No agreement made by a transportation company for exemption from liability for injury or loss occasioned by its own neglect or misconduct as a common carrier shall be valid.

26. Where transportation lines are owned or operated by persons, or partnerships, or associations, not incorporated, any one or more of them may be sued by his or their name or names only, to recover damages for loss or injury to any person, parcel, or package, and such suit shall not abate for want of joining any of his co-partners or co-proprietors.

27. If any railroad, or other transportation company, when directed by a valid order of the State corporation commission, refuses or fails to make necessary repairs or additions to its rolling stock, or addition or improvement to its equipment, or any enlargement of or improvement in its stations, station houses, wharves, or landings, or any change in the mode of operating its road or transportation line, or in conducting its business, which the said commission deems reasonable and expedient in

order to promote the security, convenience, and accommodation of the public, such company shall, in the discretion of the said commission, be fined not less than one hundred nor more than one thousand dollars.

28. Any express, railroad, or other company engaged in the express business, or in any way in the transportation of articles of any kind, as freight or baggage, and having an office or place of business in this State, having any unclaimed articles, not perishable, in its possession for a period of sixty days, at least, may, at the expiration of that time, proceed to sell the same at public auction, and out of the proceeds may retain the charges of transportation and storage of such articles, which expense and charges shall be a lien upon such article: provided, that said company shall first give public notice of such sale, in one or more newspapers, once a week for four successive weeks, published nearest the place of sale, which notice shall set forth the time and place of sale, a description of each unclaimed package, and the name of the person, if known, to whom it is directed.

29. Such company shall make an entry of the balance of the proceeds of sale of each article directed to the same person, as near as can be ascertained, and at any time within three years thereafter, shall refund any surplus so retained to the owner, or his personal representative, upon satisfactory proof of such ownership; and shall, if no claim be made for such balance, supported by satisfactory proof within three years, pay the same into the treasury of the State, accompanied with a correct list of all the articles sold by said company, from which such surplus was derived, with the names, if known, of the persons to whom said packages originally belonged. The treasurer shall receipt to the company for the same, keep a correct account thereof, and the money so paid in shall be applied to the support of public schools.

CHAPTER IV.

Railroads and Railroad Companies.

1. In every city or town of this Commonwealth where two or more railroads do now, or shall hereafter terminate, and said railroad company or companies shall make application to the corporate authorities thereof for permission to connect their roads within the corporate limits of said city or town, subject to the municipal regulations thereof, if the permission shall be refused, it shall be lawful for said railroad company or companies to make such connection outside of the limits of such city or town, by the most direct and practicable route, and acquire land necessary for the purpose in the mode prescribed in the laws regulating the exercise of the right of eminent domain.

2. So soon as any portion of a railroad may be ready for transportation, the railroad company may, by its officers and agents, or by contractors, transport persons and property on the same, for which purpose there shall be kept in good order such locomotives, cars, and other things as may be proper. The company shall have exclusive right of transportation on its road, and shall, upon the payment or tender of the lawful rates of toll or charge, transport to and deliver at any depot or other

regular stopping place indicated by the owner, such articles as shall be delivered or offered at any depot or other receiving place, in proper condition, to be transported. The property of all persons shall, as far as practicable, be transported in the order of time in which it shall be delivered or offered, and the tolls or charges paid or tendered.

3. If the railroad company shall, after payment or tender of the lawful tolls or charges, fail, or refuse to receive or to transport, or to deliver in a reasonable time, any property so delivered or offered, or fail to take up or set down any passenger at such depot or other regular stopping place of a train schedule to stop at such depot or place, as he may desire, or if the said company shall demand and receive more than is lawful, it shall forfeit to the injured party a sum, to be recovered by motion or action, of not less than twenty-five nor more than one hundred dollars.

4. It shall not be lawful for any railroad company, or its agent, to charge or receive any fee or commission other than the regular transportation fees, storage, and other charges authorized by law, for manifesting, receiving, or shipping any goods or other articles for transportation on such railroads. Any railroad company, or its agent, violating this section, shall be fined one hundred dollars. Nothing in this section shall be construed to prevent any transportation company from charging such fees and commissions, other than the regular transportation fees, for manifesting, receiving, or shipping goods, or other articles, for transportation on such roads at intermediate points thereon, between what are known as the regular depots, as may be agreed on between the shipper and such company.

6. All railroad companies shall keep their ticket offices open for the sale of tickets at least thirty minutes immediately preceding the schedule time of departure of all passenger trains from every regular passenger depot from which such trains start, or at which they regularly stop; and shall open the waiting-room for passengers at least one hour preceding the schedule time of the departure of such trains, and keep it open, and comfortably warm in cold weather, until the train departs; and shall cause to be announced twice within each passenger car, except sleeping cars, of every passenger train, within a reasonable time before its arrival at a station at which, from notice given, it is to stop, the name of such station; and at junctions, crossings, and points where trains leave at or near the same time in different directions, shall cause to be announced in each passenger car the direction in which such car is to go. Any railroad company refusing or failing to comply with the provisions of this section shall be fined ten dollars for each offense.

7. When the arrival of a passenger train at any depot, where a telegraph office is required by law to be kept, is delayed beyond the time fixed by the schedule, it shall be the duty of the company, at least thirty minutes prior to such schedule time, if the same be known, to have posted in some conspicuous place at or near the depot, a notice of such delay and of the time of the expected arrival of such train. Every company failing to comply with the provisions of this section shall be fined ten dollars for each offense: provided, that this section shall not be so con-

strued as to render such company liable for any erroneous statement contained in such notice unless wilfully made.

8. In times of war, invasion, or insurrection, troops or persons in the military or naval service of this State, or of the United States, with their arms, munitions, and baggage, shall be promptly transported on a railroad in preference to other persons and property. And when troops or persons in such service pass on a railroad the tolls on them shall not exceed one-half of the rates on other persons.

9. Any railroad company may construct and maintain along the line of its improvement an electric telegraph or telephone for its own use and that of the public, and may make reasonable charges on messages and intelligence conveyed thereby.

10. The president or any other executive officer of any railroad company incorporated by this State may, with the approbation of the circuit court of any county, or the corporation or hustings court of any corporation through which the road passes, appoint one or more police agents, who shall have authority upon the road and at other places within this State belonging to such company to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crimes, and such president or any other executive officer may remove any such agent at his pleasure: provided, that any court giving such consent may at any time revoke it. Conductors of railroad trains and station or depot agents shall be conservators of the peace, and they, and each of them, shall have the same power to make arrests that justices have, except that the conductors shall only have such power on board their respective trains and on the property of their company while on duty, and the agents at their respective places of business; and the said conductors and agents may cause any person so arrested by them to be detained and delivered to the proper authorities for trial as soon as practicable.

11. Every railroad company doing business in this State shall establish and maintain along its line, at depots or stations not more than ten miles apart, telegraphic or telephonic offices to be operated by competent persons in the employ of such company: provided, however, that the State corporation commission may grant such company, in any special case, permission to have its telegraphic or telephonic offices at a greater distance from each other than ten, but not more than fifteen, miles; but in case of narrow-gauge roads the State corporation commission may extend the limit beyond fifteen miles. It shall be the duty of every operator to telegraph or telephone the arrival and departure of every train, so soon as it shall leave the depot or station, to the train dispatcher or other person regulating the running of trains, and if there be no such person, then to the nearest telegraph or telephone office in the direction in which such train is going. The person receiving the message shall forthwith give such order or notification by telegram, telephone, or by such proper signals as may be necessary to prevent any collision of trains. Every railroad company failing to establish and maintain such offices shall, in the discretion of the State corporation commission, be fined not less than one hundred nor more than one thousand dollars for each offense, and

any such failure for three months shall be deemed a separate offense; and any operator or train dispatcher failing to comply with the requirements of this section shall be liable to a like fine, in the discretion of the court or jury.

12. Every railroad company shall cause to be erected along its line and on both sides of its road-bed lawful fences, as defined by the laws of this State, which may be made of timber or wire, or both, and shall keep the same in proper repair, and with which the owners of adjoining lands may connect their fences at such places as they may deem proper. In erecting these fences the company shall, at the termini of those portions of the road-bed which it is required to fence, and on each side of all public and private crossings, construct across its road-bed and keep in good repair cattle-guards reasonably sufficient to turn all kinds of stock, with which its fences shall be connected. Such cattle-guards at private crossings may, with the consent of the owners of said crossings, be dispensed with, but in such case, in lieu of cattle-guards, the company shall erect and keep in good order sufficient gates; and may erect gates or bars in addition to the cattle-guards required by this act, if, in the judgment of said company, the hazard to trains at such crossings requires gates or bars as an additional safeguard to life and property on the trains. But no court of this Commonwealth shall have jurisdiction by writ of mandamus or otherwise to compel the erection of such fence, or building of such cattle-guards: provided, that through lands or lots actually enclosed mandamus may lie to require such company to erect and maintain such fences and cattle-guards.

13. The preceding section, so far as it relates to fencing, shall not apply to any part of a railroad located within the corporate limits of a city or town, or between the terminals of switches, or spur tracks, not exceeding three hundred and fifty yards from the depot, either way, nor to any part of a railroad at a place where there is a cut or embankment with sides sufficiently steep to prevent the passage of stock at such place; nor shall it apply to a company which has compensated the owner for making and keeping in repair the necessary fencing, but the burden of proving such compensation shall be on the company, and no report of any commissioners shall be received as proof thereof, unless it shall plainly appear on the face of the report, or from other evidence in connection therewith, that an estimate was made by such commissioners for the fencing, and the expense for the same entered into, and constituted a part of the damages reported and actually paid.

14. No railroad company shall be liable for any injury to any person or property on such part of its track as may be enclosed according to the provisions of this chapter, unless it be made to appear that the person or property was thereon by express permission of the company, or through the negligence of its employees, agents, or servants, or unless the injury be wilful or the result of gross negligence on the part of the company, its servants, agents, or employees.

15. In any action or suit against a railroad company for an injury to any property on any part of its track not enclosed according to the provisions of this chapter, it shall not be necessary for the claimant to show

that the injury was caused by the negligence of the company, its employees, agents, or servants.

16. It shall be the duty of every railroad company, whose road passes through any enclosed lands in this State, to construct and keep in good order cattle-guards reasonably sufficient to prevent the passage of stock of every kind over such land, at any point where a fence may be necessary or proper, whether it be a division fence between contiguous farms or between different parcels or tracts belonging to the same person, or a fence along a public highway. Such cattle-guards shall be constructed on the request of the land owner, in writing, made to any section master or employee of the company having charge or supervision of the road at that point. If the company refuse or fail, for ten days after such request, to construct the cattle-guards at the place designated, the owner having given ten days' notice in writing to such section master or employee, may apply, until February first, nineteen hundred and four, to the county court, and on and after February first, nineteen hundred and four, to the circuit court of such county for the appointment of three disinterested freeholders, whose duty it shall be to go on the land and determine whether the proposed cattle-guard shall be constructed. Their decision shall be in writing, and shall be forthwith returned to and filed in the office of the clerk of such county. If such decision be that the cattle-guard ought to be constructed, the company shall, within thirty days thereafter, construct the same. Upon its failure so to do, it shall pay to the land owner five dollars for every day of such failure. Any style of cattle-guard approved by the State corporation commission shall, if properly established and maintained, be deemed a sufficient cattle-guard within the meaning of this chapter.

17. Every railroad company, after erecting the fences mentioned in section fifteen, may discontinue all cattle-guards enclosed by such fences, except such as are provided for at public or private crossings, and in lieu thereof the owners of contiguous lands may connect their fences with those of the company at such place or places as they may desire.

18. No railroad company doing business in this State shall run on its road any locomotive not having an approved spark arrester. Every company violating the provisions of this section shall be fined ten dollars for each offense, and each day of running such locomotive shall be deemed a separate offense.

19. No railroad company now or hereafter chartered in this State, and having the right to construct its road through any mountain pass or narrow defile of any creek or river valley, shall have the right to the exclusive occupancy of such pass or defile, and this provision shall apply as well to those railroad companies whose charters contain no such limitation as aforesaid, as to those whose charters already contain such, or any similar limitation: provided, however, that whenever any railroad company shall locate its line through a mountain pass or defile in accordance with the provisions of this act, and shall be actually engaged in grading, building, or operating its line of railroad through such mountain pass or defile, no other railroad company shall locate and build its line through such mountain pass or defile in such manner that its grading, building, or operation will prevent or obstruct the grading, building, or operation

of said railroad first occupying such pass, and actually and bona fide under the terms of its charter engaged in so grading, building, or operating the same; but such other railroad may, whenever its line cannot be located or built without obstructing or preventing the grading, building, or operation of the railroad first occupying such pass, use the line, road-bed, tracks, and other works or property of the last-mentioned railroad, so far as such use may be necessary to give ingress, egress, and passage through such mountain pass or defile to such other railroad or railroads: provided, however, that the terms and conditions, rules, and regulations, governing such use, and the compensation to be paid therefor, shall, unless agreed upon by the railroads interested, be prescribed by the State corporation commission, subject to appeal as in other cases.

20. In all suits brought before a justice of the peace against railroad companies to recover penalties for failure to construct cattle-guards as required by law, either party shall have the right of appeal, until February first, nineteen hundred and four, to the county court, and on and after February first, nineteen hundred and four, to the circuit court of the county where such suit is brought, from the judgment of the justice, without regard to the amount in controversy.

21. Whenever any corporation chartered or existing by, under, or in pursuance of the laws of any State or country other than the State of Virginia, shall assume the operation and control of any railroad in this State as purchaser or lessee, or in pursuance of a consolidation or merger of rights, property, franchises, and interest, or otherwise, such corporation shall, before assuming the operation, management, or control of any such railroad, be chartered under the laws of this State, and shall as such be subject to the jurisdiction of the courts of this State, and in all respects be governed and, so far as located in this State, shall be controlled by the laws of this State.

22. All railroad companies in this State shall, upon three days' notice, provide transportation for all farm produce delivered at a depot of such company, or shall have at such depot safe storage for same, and said company shall be responsible for damage resulting from failure to provide for transportation or storage.

23. Any railroad company created under the laws of, or operated in the State of Virginia, having a terminus on navigable waters, may, for the purpose of procuring steamboat or vessel property to be employed in connection with the business of said railroad, enter into contracts with the company or companies building or owning such steamboat or steamboats, or other vessel property, for guaranteeing the payment of the principal and interest of bonds issued for the purpose of paying for the purchase or building of the same, and all guarantees of bonds for such purposes heretofore given by any such railroad company are hereby validated and confirmed, with the same effect as if made and entered into subsequent to the passage of this act.

24. Every railroad company, whose line is operated by steam, shall provide each locomotive engine passing upon its road with a bell of ordinary size, and steam whistle, and such whistle shall be sharply sounded outside of incorporated cities and towns at least twice at a distance of not less than three hundred yards nor more than six hundred yards from the

place where the railroad crosses upon the same level any highway or crossing, and such bell shall be rung or whistle sounded continuously or alternately until the engine has reached such highway crossing, and shall give such signals in cities and towns as the legislative authorities thereof may require. And the said company shall be liable for damages which shall be sustained by any person by reason of such neglect.

25. Every officer or employee of any railway company, whose duty it shall be to carry out any of the provisions of the next preceding section and shall fail to do so, shall be punished by a fine not exceeding ten dollars for each offense.

26. Any railroad company which is authorized to acquire, unite with, use, or lease any line of any other railroad or transportation company, or with which it shall lawfully have established connection, shall have the authority to acquire and hold, by condemnation or otherwise, at any point or points upon or near any such line so acquired, united with, used, leased, or connected with, or at or within five miles of any terminus thereof, so much real estate as may be necessary and proper for the purposes of said company.

27. All urban, inter-urban, and suburban electric railway companies shall use vestibuled fronts on all motor cars run, operated, or transported by them on their lines during the months of November, December, January, February, March, and April of each year: provided, that such vestibuled fronts need not be used on open summer cars run, operated, or transported by them, during the months of November and April: and provided, that said companies shall not be required to close the sides of said vestibules, and any such company refusing or failing to comply with said requirement shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense.

28. All railroad companies or corporations, person or persons, running or operating cars or coaches by steam on any railroad line or track within this State, and all railroad companies, person or persons doing business in this State, whether upon lines of railroad owned in part or whole, or leased by lines that may hereafter be granted in this State, and all foreign corporations, companies, person or persons organized under charters granted, or that may be hereafter granted, by any other State, who may be now, or may hereafter be, engaged in running or operating any of the railroads of this State, either in part or whole, either in their own name or that of others, are hereby required to furnish separate cars or coaches for the travel or transportation of the white and colored passengers on their respective lines of railroad. Each compartment of a coach divided by a good and substantial partition, with a door therein, shall be deemed a separate coach within the meaning of this section, and each separate coach or compartment shall bear in some conspicuous place appropriate words in plain letters, indicating the race for which it is set apart.

29. Such railroad companies, person or persons shall make no difference or discrimination in the quality, convenience, or accommodation in the cars or coaches or partitions set apart for white and colored passengers.

30. Any such railroad company or companies, person or persons, that shall fail, refuse, or neglect to comply with the provisions of the two sections next preceding of this chapter shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not less than three hundred nor more than one thousand dollars for each offense.

31. The conductors or managers on all such railroads shall have power, and are hereby required, to assign to each white or colored passenger his or her respective car, coach, or compartment, the conductor or managers acting in good faith, being for the purposes of this act the judge of the race of each passenger, and such passenger has refused to disclose his race; and should any passenger refuse to occupy the car, coach, or compartment to which he or she may be assigned by the conductor or manager, said conductor or manager shall have the right to refuse to carry such passenger on his train, and may put such passenger off his train. And for such refusal and putting off of the train, neither the manager, conductor, nor railroad company shall be liable for damages in any court.

32. Any conductor or manager on any such railroad who shall fail or refuse to carry out the provisions of section thirty-one of this chapter shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars for each offense.

33. When any coach or compartment of a car for either race shall be completely filled, where no extra coaches or cars can be had, and the increased number of passengers could not be foreseen, the conductor in charge of such train is hereby authorized to assign and set apart a portion of the car or compartment assigned to passengers of one race to passengers of another race.

34. The provisions of sections twenty-seven, twenty-nine, thirty, thirty-one, and thirty-two shall not apply to employees on railroads, or to persons employed as nurses, or to officers in charge of prisoners, lunatics, whether the said prisoners or lunatics are white or colored, or both white and colored, or to prisoners or lunatics in his custody, nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train, nor to Pullman cars, nor to through or express trains that do no local business.

35. Until the first day of February, nineteen hundred and four, the county courts, and after the first day of February, nineteen hundred and four, the circuit courts, of the counties in which such railroads are operated shall have jurisdiction over offenses committed within the limits of their respective counties in violation of sections twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-three of this chapter, and the corporation courts of the cities in which such railroads are operated shall have jurisdiction of all offenses in violation of said sections committed within the corporate limits of such cities.

36. Where any railroad track passes under any bridge, tunnel, or structure, not sufficiently high to admit of the safe passage of cars upon such railroad tracks, with the servants and employees standing at their posts of duty on said cars, the person or persons, firm, or corporation,

operating said railroad and running its trains thereon, shall erect and maintain, at proper distances on each side of such bridge, tunnel, or structure, warning signals of approved design, and in general use, to warn the servants and employees, or those operating such railroads, of the approach to such bridge, tunnel, or structure, and the failure to erect and maintain such danger signals shall make those operating such railroads liable in damages for the death or injury of any employee or servant resulting from the insufficient height of such bridge, tunnel, or structure, and no contract, expressed or implied, and no plea of, or defense based upon, the contributory negligence of the servant or employee shall relieve those operating such railroads of the liability imposed hereby. The State corporation commission is hereby authorized, by general or special regulations or order, to determine or approve the character and location of any danger signal which may be erected and maintained to comply with the provisions of this act, and any and every danger signal constructed and located as the said commission shall determine and approve shall be deemed within the meaning of this act to be an approved danger signal and erected at the proper distance on each side of such bridge, tunnel, or structure.

37. Any railroad company heretofore, or that may hereafter, be incorporated, and authorized to construct a railroad within the jurisdiction of this State, shall, when such railroad is constructed to any other railroad track, or the right of way of any other railroad being operated under the laws of this State, have the right to connect with such railroad in any county of this State at its own cost, at any suitable point that may be agreed upon between the chief engineers of the two railroad companies, and if the said engineers shall fail to agree, the State corporation commission may, after hearing evidence, decide the question in dispute and enter the proper order. But such connection, if made, and all costs and expenses of such operation and maintenance of such connection, including signals and other things deemed necessary by the company with which said connection is made, for the proper operation and protection thereof, shall be borne and paid by the company making such connection.

38. It is hereby declared to be the policy of this State that all crossings of one railroad by another, or of a county road or highway by a railroad, or of a railroad by a county road or highway, shall, wherever reasonably practicable, pass above or below the existing structure. And every railroad hereafter constructed across another railroad or across a county road or highway, and every county road or highway hereafter constructed across a railroad, shall, wherever it is reasonably practicable, and does not involve an unreasonable expense, all the circumstances of the case considered, pass above or beneath the existing structure at a sufficient elevation or depression, as the case may be, with easy grades, so as to admit of safe and speedy travel over each. The provisions of this section shall not apply to crossings in cities or towns, nor to electric railways within or without cities and towns.

39. At every existing crossing, such as is mentioned in the preceding section, the grade of the work last constructed, to the full width of the road crossing, shall be made sufficiently smooth and level to admit of safe and speedy travel over such crossing. When such improvement is to

be made in a railroad it shall be made by the corporation, company, or person operating the same. When it is to be made in a county road, street, or other highway, it shall be made by the corporation whose track is to be crossed, and the expense shall be borne equally by said corporation and by county, city, or town having control of such county road, street, or other highway. When the crossing is at an elevation the approaches and structures shall be safe, permanent, and substantial, and when the crossing is underneath the road to be crossed, the road, street, or highway and all necessary drains and ditches shall be put in good, permanent condition, and the structure supporting the road shall be safe, substantial, and permanent. Whenever the character of the work to be done on the structures, roads, streets, or highways, drains and ditches cannot be agreed to by the corporation and the county, city, or town bearing the expense of the crossing, the same shall be fixed and determined by the State corporation commission. After said crossing has been constructed the corporation whose track or work is crossed shall maintain the same.

40. No passenger car on any railroad shall be lighted by naphtha, or by illuminating oil or fluid made in parts of naphtha, or any oil or fluid which will ignite at a temperature of less than one hundred and fifty degrees Fahrenheit.

41. All companies or corporations, person or persons, running or operating trains, cars, or coaches by electricity, on any railroad line or track within this State; and all railroads, traction, or power companies, person or persons, running or operating trains, cars, or coaches by electricity in this State, whether upon lines of railroad owned, in part or in whole, or leased, or lines that may hereafter be granted or constructed; and all foreign corporations organized under charters now granted, or that may be hereafter granted, by any other State, or person or persons who may now, or may hereafter, be engaged in running or operating any electric railroad or railway within this State, either in part or in whole, either in their own name or in the name of others, be, and are hereby, authorized and empowered in all such cars and coaches to separate the white and colored passengers, and to set apart and designate in each car or coach a portion thereof, or certain seats therein, to be occupied by white passengers, and a portion thereof, or certain seats therein, to be occupied by colored passengers.

42. The said companies, corporations, or persons so operating trains, cars, or coaches upon such lines of railroad or railway, shall make no difference or discrimination in the quality and convenience of the accommodations provided for the two races under the provisions of section forty: and it is further provided, that said companies, corporations, or persons so operating trains, coaches, or cars upon such lines of railroad or railway shall in cold weather reasonably heat the several apartments of all cars carrying passengers therein.

43. The conductor, manager, or other person in charge of any car or coach so operated upon any such line of railroad or railway shall have the right at any time, when, in his judgment, it may be necessary or proper for the comfort and convenience of the passengers so to do, to change the designation so as to increase or decrease the amount of space or seats

set apart for either race, or he may require any passenger to change his or her seat when and as often as he may deem necessary or proper.

44. All persons who shall fail to take and occupy the seats assigned to them as heretofore, by sections forty and forty-two provided, or fail to obey the instructions and directions of the conductor or manager of such car or coach as to the seat or space to be occupied by such passenger, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars. And any person or persons failing to take and occupy the seat or seats assigned to him, her, or them, or failing to obey the instructions and directions as herein, by sections forty and forty-two provided for, may be ejected from said car and from the right of way of said company by any conductor, motorman, or manager of said company; and in case such passenger ejected shall have paid his fare upon said car, he shall not be entitled to a return of any part of said fare.

45. Each conductor and motorman in the employ of said company, upon the cars of said company, shall be a special policeman, and have all the powers of conservators of the peace while upon the cars and right of way of said company in the enforcement of the provisions of this act, and in the discharge of his duty as special policeman in the enforcement of order upon said cars and said right of way.

46. No company, corporation, person, conductor, manager, or motorman shall in any case be liable for damage to any one for any lawful act done in the enforcement of the provisions of sections forty-one, forty-three, forty-four, and forty-five of this chapter.

47. The provisions of sections forty-one, forty-three, and forty-four shall not apply to employees engaged in conducting, managing, or operating said trains, cars, or coaches, nor to persons employed as nurses, nor officers in charge of prisoners or lunatics: provided, that the provisions of sections forty-one to forty-seven, inclusive, shall not be construed to alter, amend, or repeal any act now in force regulating the separation of the races on street or electric railway lines.

48. Any railroad company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its road, shall not abandon such station without the written consent of the State corporation commission, and if any station used by a company is burned or otherwise destroyed or becomes unfit for the accommodation of the public, unless the same is rebuilt, repaired, or renovated within a reasonable time, the State corporation commission shall require the company owning or using such station to rebuild, repair, or renovate the same, as the case may be, and such company shall, within ninety days after notice, comply with the said requirements; and every company operating a railroad in this State shall provide a convenient and suitable waiting-room and water closet or privies at all depots in cities and towns, and at such other stations as the State corporation commission may require, on its lines, and keep and maintain the same in decent order and repair: provided, that so much of this section as relates to the abandonment of stations shall not apply in cases where stations have been abandoned because of a change in the location of the line of any such railroad.

49. Every railroad company shall cause signal boards, well supported by posts or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side, in capital letters, at least five inches high, the following inscription: "Railroad crossing," to be placed, and constantly maintained, at each public highway where it is crossed by the railroad at the same level; but such board need not be put up in cities or towns, unless required by the local authorities thereof.

50. Whenever, in the opinion of the State corporation commission, after giving notice and hearing as prescribed by law, the public interest requires that a gate be erected or maintained, or a flagman stationed at any highway crossing within two miles of the corporate limits of any incorporated city or town of this Commonwealth, it shall give the superintendent or manager of the railroad written notice that the same is required; and the company shall, within the time prescribed by the commission, erect and maintain at such crossing the character of gate directed by the commission, and keep a man in charge of the same during such hours as the commission may designate, or keep a flagman at such crossings during such hours as they may require. And the said commission may authorize the discontinuance of such gate or flagman whenever, in their judgment, the public interest no longer requires the same.

51. Whenever railroads cross each other on the same grade in this State, the trains shall be brought to a full stop at least fifty feet before getting to the crossing: provided, however, that the provisions of this act shall not be applicable where the crossings of such roads are regulated by derailing switches, or other safety appliances, which prevent collision at crossings, nor where a flagman or watchman is stationed, or signal tower is located, and signals that the trains may cross in safety.

52. Notice of every accident which occurs, attended with loss of life or injury to person, shall be given within five days thereafter by the company operating the railroad on which the accident occurred to the State corporation commission, and such company shall furnish the commission all information requested by it concerning the cause of the accident.

53. No regular or other passenger train, on any railroad operated by steam, shall be run without an air brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall, at all times, be kept in good condition and ready for use at the discretion of the engineer. The State corporation commission may require all other trains to be equipped with like appliances whenever, in its opinion, the public interests require it. The said commission may also require any company operating any such railroad to establish and maintain the block system or some other equally efficient system to regulate the movement of its trains, in order to prevent collisions.

54. Motormen and conductors operating street cars or electric cars in the counties of this State are vested with the powers of special police on their respective cars, and are authorized to carry arms, hid from common observation while on duty, and while going to and returning from their place of work.

54. Every railroad company shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous to the departure of its trains offer, or be offered, for transportation, at places established for receiving and discharging passengers and freight, and shall, when requested, subject to reasonable rules and regulations as the company may establish, which rules and regulations may be changed from time to time by the State corporation commission, check every parcel of baggage taken for transportation, if such parcel is in reasonably good condition, and if there is a handle, loop, or fixture, so that the same can be attached, and shall give to the person delivering such baggage a check for the same.

55. Every railroad company shall keep its right of way clear and free from weeds, high grass, and decayed timber, which, from their nature and condition, are combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property.

56. Every person or corporation now operating, or that may hereafter operate, a railroad in this State under a contract or lease, shall have the same filed in the office of the State corporation commission, within thirty days after the contract or lease is executed; or, if heretofore made, within thirty days after this law goes into effect.

57. Whenever any horses, cattle, or other stock may be killed or injured, or other property damaged, by the cars or locomotives upon any railroad, it shall be lawful for the owner thereof or for the railroad company to have the property examined and the damages assessed by a board of appraisers in the following manner: Either party, his agent or attorney, may appoint a disinterested freeholder of the county or city wherein the injury occurred as the appraiser in his behalf, and notify the other party; such notice, when intended for the railroad company, shall be sufficient if given to the nearest section foreman or station agent of the company, and thereupon the party so notified shall appoint a like appraiser on his behalf, and the two appraisers so selected shall select a third person of like qualifications, who, after being duly sworn, shall constitute a board of appraisers to examine and appraise the property so injured or damaged, and shall examine the horses or other stock so killed or injured, or the other property so damaged, and affix a value upon the same if killed, or assess the damages to the same if injured, and make a written report, carefully describing the horses, cattle, or other stock or property, stating whether killed or injured, and also setting out the valuation or assessment of damages made by them; which report shall be returned to the office of the county clerk, or of the clerk of the corporation court of the city, who shall file and preserve the same.

58. If the railroad company shall fail, for sixty days after such report is so returned to said clerk, to pay to the owner the full amount assessed by said board of appraisers, and the cost attending the assessment, the owner shall have the right to institute suit on the original cause of action. If, upon the trial, he recovers a verdict for an amount equal to, or greater than, the amount assessed in his favor by said board of appraisers, it shall be the duty of the court to render judgment in his favor for the amount of said verdict, and costs of suit and of said appraisement, and ten per centum damages in addition thereto: provided, that if

the owner shall, in such case, recover less than the amount so assessed, judgment shall be rendered in his favor for the amount of the verdict and costs of suit and appraisal; but if the company has offered to pay the award, and the owner has refused to accept the same, and he recover a verdict for an amount less than said assessment, judgment shall be rendered in his favor for the amount of his recovery, but the cost of the appraisal and action shall be taxed against him.

59. The appraisers shall receive for their services each the sum of one dollar, and the said clerk for his services, fifty cents.

60. The provisions of the last three preceding sections shall not apply to any railroad company which has its line of road enclosed with fences and cattle-guards, as required by law.

61. Whenever, in the opinion of the council of any city or incorporated town, the public interest requires that a gate be erected and maintained, or a flagman stationed and kept at the place where any highway or street is crossed, within the corporate limits of such town or city, by any railroad heretofore or hereafter constructed, it shall give the superintendent or manager of the railroad written notice that the same is required, and the corporation shall, within the time prescribed in such notice, erect and maintain at such crossing the style of gate directed in said notice, and keep a man in charge of the same during such hours as the said council may designate, or keep a flagman at such crossing during such hours as it may require. And the said council may authorize the discontinuance of such gate or flagman whenever, in its judgment, the public interest no longer requires the same.

62. Any railroad corporation created under the laws of this State, which shall have fully located the route of its railway, shall have power in the construction of its said railway on such route to cross any canal, navigable stream, or water course between its termini, but in such manner as not unreasonably to impede the navigation and use thereof; and shall also have power to cross any railway or railroad intervening, in the manner and upon the terms prescribed by section three of chapter two of this act.

63. Any person, association, copartnership, or corporation engaged in operating a mine within ten miles of any navigable stream or railroad may, for the purpose of transporting material to and from such stream or railroad and such mine, construct and operate a line of railroad from such mine to the most convenient and accessible point on such stream or road, and may acquire and hold such land, or such interest or estate therein, as may be necessary, not exceeding fifty feet in width for each track necessarily constructed, and not exceeding two acres of land at such railroad or stream for the purpose of necessary buildings. The owner or operator of such road shall be governed and controlled by the laws relating to other railroads, so far as applicable, and shall have the same rights and privileges (except the power to condemn land or other property) granted to corporations owning and operating lines of railroad.

68. If any railroad, when directed by a valid order of the State corporation commission, shall refuse or fail to remove the cause of complaint of the authorities of any incorporated city or town in which such railroad is located, as to the physical condition or operation of such rail-

road, it shall, in the discretion of the said commission, be fined not less than ten dollars nor more than one thousand dollars.

69. Every railroad company or person operating a railroad in this State shall, at all times, on request, furnish to the State corporation commission any information required by it, concerning the physical condition, management, or operation of its road, and particularly with copies of all of its time tables upon its road and other roads with which its business is connected; and any railroad refusing or failing to furnish any such information to the State corporation commission shall, in the discretion of the said commission, be fined not less than ten dollars nor more than one thousand dollars.

70. Any railroad company failing to comply with, or violating, or permitting any of its agents or employees to violate, any of the provisions of this chapter, or any valid order, rule, or regulation of the State corporation commission, relating to the provisions of this chapter, if not otherwise provided in this chapter, shall be fined not less than ten dollars nor more than five hundred dollars for each offense.

71. Every railroad company conducting an express business shall open and maintain at each station where it has a station agent along its line an office, and appoint and keep an agent at each of said stations to receive and deliver all express matter.

72. When any car or cars shall be delivered by any railroad company to any other railroad company to be hauled to any freight station on the line of the latter, or when any railway company shall receive an order for cars to be furnished at any point on its line, such receiving company shall afford all reasonably proper and equal facilities for forwarding such car or cars along its line or lines to the point of destination without discrimination in favor of or against any locality or person.

73. Nothing contained in this act shall be construed as a regulation of interstate commerce.

CHAPTER V.

Canals and Canal Companies.

1. A collector of tolls for any canal company may refuse to let any person or thing pass on the company's work until the toll be paid; and the collector or other authorized officer of any canal company may examine, upon oath, any person having charge of any vessel, merchandise, or thing subject to tolls or compensation, for the purpose of ascertaining the quantity or amount thereof, for which purpose such collector or other officer may administer an oath; and any person answering falsely upon such examination shall be liable to prosecution and punishment for perjury, as provided by law. If any person or thing pass the toll gate, or other proper place of payment, without the toll being paid or tendered, such person, or the owner or person in possession of such thing, shall forfeit to the company ten dollars. Any such collector, knowing of a violation of this section, shall immediately make it known to the president or one of the directors. If he fail to do so, he shall forfeit to the company twenty dollars, which may, if so much of his compensation remain unpaid, be deducted therefrom.

2. If any such collector receives for tolls more than is lawful, the company or persons in whose service he is as such collector shall pay to the party aggrieved thereby the amount unlawfully received, and ten dollars besides, which sum may be recovered on motion before the court of the city or county wherein the unlawful tolls were received, after ten days' notice, which may be served by leaving a copy of the same with the collector so unlawfully receiving said tolls, or with any member of his family over sixteen years of age, and giving information of its purport to said member of his family, or, in the absence of said collector and all such members of his family, by posting the said copy at the front door of his abode.

CHAPTER VI.

Steamships and Steamboats.

1. It shall be the duty of the captain, purser, or other officer in command of any steamboat carrying passengers and plying in the waters within the jurisdiction of the Commonwealth, to assign white and colored passengers on said boats to the respective location they are to occupy as passengers while on said boats; and it shall be the duty of said captain, purser, or other officer in command to separate the white and colored passengers on said boats in the sitting, sleeping, and eating apartments: provided, however, that no discrimination shall be made in the quality and convenience of accommodation afforded passengers in said locations: and provided, that this section shall not apply to nurses or attendants traveling with their employers, nor to officers in charge of prisoners or lunatics.

2. Any captain, purser, or other officer in command of said boat who shall fail or refuse to carry out the provisions of section one of this chapter shall be deemed guilty of a misdemeanor, and may be proceeded against according to law, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

3. Any passenger or passengers traveling on any steamboat plying in the waters within the jurisdiction of the Commonwealth, who shall wilfully refuse to occupy the location, whether of sitting, sleeping, or eating, set apart or assigned by the captain, purser, or other officer in command of such boat, or behaves in a riotous or disorderly manner, he, she, or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than fifty dollars, or confined in jail not less than thirty days, or both, in the discretion of the court; and such persons may be ejected from said boat by the officers thereof at any landing place of said boat; and, if necessary, such assistance may be invoked by such person in charge of such boats as they may require to eject such passenger: and provided, that in cases of ejection neither the captain or other officer in charge of such boat, nor the steamboat company owning or operating the same, nor other person, shall be liable in damages therefor.

4. The president or general manager of any steamship or steamboat company, whose boats ply in the waters within the jurisdiction of this State, may, with the approbation of the circuit court of any county, or

the corporation court of any corporation, where the said steamship or steamboat company has a wharf or landing, appoint one or more police agents, who shall have authority upon the said wharf or landing, and at other places within this State belonging to such company, to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crime; and such president or general manager may remove any such agent at his pleasure: provided, that any circuit or corporation court giving such consent may at any time revoke it. Masters of steamships or steamboats, and wharf or landing agents, shall be conservators of the peace, and they, and each of them, shall have the same power to make arrests that justices have, except that the masters of steamships and steamboats shall only have such power on board their respective vessels, and the agents at their respective places of business; and the said masters and agents may cause any person so arrested by them to be detained and delivered to the proper authorities for trial as soon as practicable.

CHAPTER VII.

Express and Express Companies.

1. If any corporation, company, or association not incorporated by or formed in this State, or any person or partnership not a resident thereof, shall obtain from a railroad, steamship, or steamboat company of this Commonwealth the right or privilege to carry any articles or things by or upon the trains, ships, or cars of such company for the purpose of receiving compensation for the same, such corporation, company, association, partnership, or person shall not be permitted to carry such articles or things on such trains, steamships, or steamboats without having an agent in this State, as prescribed in sections three and four of this chapter. It shall further be the duty of such corporation, association, partnership, or person, before exercising any such right or privilege of carriage, as aforesaid, to deposit with the treasurer of the State bonds of the State of Virginia, or of the United States, or of the cities of Richmond, Norfolk, Roanoke, Newport News, Petersburg, Lynchburg, Alexandria, or Danville, the cash value of which shall not, at any time, be less than fifty thousand dollars, and no single bond so deposited shall exceed in amount the sum of ten thousand dollars. The treasurer shall require any such corporation, company, association, partnership, or person, to make good any depreciation or reduction in the value of said securities, and he shall, in the month of December, of every year, examine all the securities so deposited with him, for the purpose of ascertaining whether any of them have depreciated, or been reduced in value. If the bonds deposited with the treasurer as aforesaid are registered bonds, the corporation, association, partnership, or person depositing the same shall, at the time of deposit, deliver to the treasurer a power of attorney, authorizing him to transfer the said bonds, or any part of them, for the purpose of paying any of the liabilities herein provided for. The treasurer, at the time of receiving the bonds, shall give to the depositor authority to draw the interest thereon as the same may become due and payable, which au-

thority shall continue in force until said depositor shall fail to pay any of the liabilities incurred in carrying articles as aforesaid, for any citizen or inhabitant of this State, in which case the party charged with the payment of such interest shall be forthwith notified of such failure, and thereafter such interest shall be payable to the said treasurer, to be applied, if necessary, to the payment of such liabilities. If any depositor fail to pay any of said liabilities to any citizen or resident of this State, when the same shall have been ascertained in any mode agreed upon by the parties, or by the judgment, decree, or order of a court having jurisdiction thereof, the treasurer shall, upon the application of the party to whom the liability is due, proceed to sell at auction such an amount of said bonds as, with the interest in his hands, will pay the amount due and the expense of sale: provided, that the party making the application shall give to the said depositor, or his agent, so residing in this State, ten days' notice of his intention to make such application. If any corporation, company, association, partnership, or person, having deposited bonds as aforesaid with the treasurer of this State, shall cease the business of carrying articles in and upon such trains, steamboats, and steamships, and shall have satisfied all liabilities, fixed and contingent, incurred in such business, to the citizens and inhabitants of this State, then the said treasurer shall deliver to said corporation, company, association, partnership, or person the bonds deposited as aforesaid. Nothing herein contained shall be so construed as to require any additional deposit with the said treasurer, when such right or privilege, as is herein provided for, shall be obtained from more than one railroad, steamboat, or steamship company of the Commonwealth.

2. Every such corporation, company, association, person, or partnership shall, by a written power of attorney, appoint some person residing in this State its agent, upon whom may be served all lawful process against such corporation, company, association, person, or partnership, and who shall be authorized to enter an appearance in its or his behalf. A copy of such power of authority, duly certified and authenticated, shall be filed with the State corporation commission, and copies thereof, duly certified by the clerk of the said commission, shall be received as evidence in all courts of this State.

3. If any such agent shall be removed, resign, die, become insane, or otherwise incapable of acting, it shall be the duty of such corporation, company, association, person, or partnership, to appoint another agent in his place, as prescribed by the preceding section. And until such appointment is made, or during the absence of such agent of any such corporation, company, association, person, or partnership, from the State, or if no such agent be appointed as prescribed by the preceding section, service of process may be upon the chairman of the State corporation commission, with like effect as upon the agent appointed by the company. The officer serving such process upon the chairman of the State corporation commission shall immediately transmit a copy thereof, by mail, to such corporation, company, association, person, or partnership, and state such fact in his return.

4. Whenever any such corporation, company, association, person, or partnership, as hereinbefore in this chapter mentioned, shall obtain from

a railroad, steamship, or steamboat company the right or privilege of carrying articles upon the trains, steamships, or steamboats of such railroad, steamship, or steamboat company, and shall comply with the provisions of the preceding section, such railroad, steamship, or steamboat company shall not in any manner be liable as a common carrier for any articles thereafter delivered to such corporation, company, association, person, or partnership, for carriage, as aforesaid.

5. Nothing contained in this chapter shall be so construed as to permit any railroad company in this Commonwealth, by contract or otherwise, to rent, let, or farm out, in any manner whatever, any part of its tonnage business by freight trains; but every such company shall remain as fully bound to transport and carry all descriptions of freight offered them for transportation by freight trains, and under the provisions of the laws of this State and the terms of their charters, as though this chapter had not been enacted.

6. Whenever any corporation, company, association, or person, or partnership shall obtain from a railroad, steamship, or steamboat company of this State the right or privilege of transporting, carrying, or conveying in or upon any train run upon or over the railroad of such company, or on any steamship or steamboat traversing waters within the jurisdiction of this Commonwealth, any articles or things for the purpose of receiving compensation for the same, the said corporation, association, or person shall receive any articles or things at a place without the limits of this State to be transported, carried, or conveyed to a place within the said limits, or shall receive said articles or things at a place within the limits of this State to be transported, carried, or conveyed to a place without said limits, the amount of compensation demanded by such corporation, company, association, person, or partnership, shall be regarded as a uniform rate of charge per pound and per package per mile conveyed throughout the whole distance within and without the limits of the State, for which such articles or things were so transported, carried, or conveyed, unless at the time otherwise appears by sufficient evidence.

7. Whenever any corporation, company, association, or person, or partnership shall obtain from a railroad, steamship, or steamboat company of this State the right or privilege of transporting, carrying, or conveying in or upon any train run upon or over the railroad of such company, or any steamship or steamboat traversing waters within the jurisdiction of this Commonwealth, any articles or things for the purpose of receiving compensation for the same, the said corporation, association, or person shall receive and deliver any and all such articles and things offered for transportation as are contemplated by and embraced in such contract, at any and all landings and stations on the line or route covered by such contract at which such railroad, steamship, or steamboat company keeps an agent, and receives and discharges freight and passengers.

8. Any corporation, association, or person, or any agent or employee of either, or any other person, who shall violate any of the provisions of this chapter shall, upon conviction, be fined for each violation not less than one hundred dollars.

CHAPTER VIII.

Telegraph and Telephone Companies.

1. Every telegraph and every telephone company incorporated by this or any other State, or by the United States, may construct, maintain, and operate its line along and parallel to any of the railroads of the State, and shall have authority to occupy and use the public parks, roads, works, turnpikes, streets, avenues, and alleys in any of the counties, with the consent of the board of supervisors thereof, or in any incorporated city or town, with the consent of the council thereof, and the water-ways within this State, for the erection of poles and wires, or cables, or the laying of underground conduits, portions of which they may lease, rent, or hire to other like companies: provided, however, that such poles, wires, cables, and conduits shall not in any wise obstruct or interfere with public travel, or the ordinary use of such railroads, parks, roads, works, turnpikes, streets, avenues, alleys, or waters, or damage private property without compensation therefor: and provided, also, that any such company, not incorporated by the State of Virginia, or the laws thereof, shall, as a condition precedent to the enjoyment of any right or privilege granted by this chapter, first obtain from the State corporation commission a license to do business in this State, and pay the fees and taxes imposed by law for such license: and provided, also, that any such conduits shall be laid at such distance below the surface of any public park, road, turnpike, street, avenue, or alley, and at such distance from the outside of any gas or water main, or other conduit, already laid, under the said public park, road, turnpike, street, avenue, or alley as may be prescribed by the proper municipal or county authorities: and provided, further, that the said poles, wires, or cables shall not in any way obstruct the navigation of any stream, or impair or endanger the use thereof by the public, or by any person or corporation entitled to the use of the same: and provided, also, that the consent of the board of supervisors of the county or the corporate authorities of the city or town, wherein it is proposed to erect such poles, wires, or cables, or to lay such conduits upon or beneath any such public park, road, turnpike, street, avenue, or alley, shall first, and as a condition precedent, be obtained before any such public park, road, turnpike, street, avenue, or alley shall be occupied or used for the works of any such company, or be disturbed, opened, or dug up for its purposes; the consent of such corporate authorities shall be by ordinance regularly adopted by the council or other governing body of such city or town, and the consent of such board of supervisors shall be by resolution regularly adopted and spread upon the minutes of the said board; that such use of the public parks, roads, turnpikes, streets, avenues, and alleys in any of the cities or towns, or counties of this State shall be subject to such terms, regulations, and restrictions as may be imposed by the corporate authorities of any such city or town, or the board of supervisors of any such county, and the portions of the surface of the parks, roads, turnpikes, streets, avenues, or alleys, or of any pavements, opened up or disturbed in erecting, repairing, or replacing such poles, wires, or cables, or in laying or repairing such conduits, shall be

immediately restored to and maintained in good condition by such company; and in case of failure on the part of the company to restore and maintain the same, the corporate authorities of any such city or town, or the board of supervisors of any such county, may properly restore and maintain the same, and the costs thereof may be recovered by the city or town, or county, from the company, in any court of competent jurisdiction: and provided, also, that all posts or poles which shall be erected by any authority in this section conferred, shall be so located as in no way to interfere with the safety and convenience of persons traveling through, on, or over said public parks, roads, turnpikes, streets, avenues, alleys, railroads, or waters: and provided, further, that all wires fastened upon posts or poles erected as aforesaid, shall be placed at the height of not less than twenty feet above all road crossings, and twenty-three feet above railroad crossings, and that no conduits shall be laid, nor posts or poles erected upon the soil or property of any person without first obtaining the consent of the owner thereof, nor shall any such wires or cables be strung across the soil, property, or premises of any person, or attached to or connected with any shade or ornamental tree, or any private building without the consent of the owner thereof: and provided, further; that no incorporated city or town shall grant to any such corporation the right to erect its poles, wires, or cables, or to lay its conduits upon or beneath its parks, streets, avenues, or alleys, until it shall have first obtained, in the manner prescribed by the Constitution and laws of this State, the franchise to occupy the same: and provided, further, that notwithstanding the provisions of this chapter, the corporate authorities of any city or town may impose upon any such corporation such terms and conditions, inconsistent therewith or supplemental thereto, as to the occupation and use of its parks, streets, avenues, and alleys, and as to the construction and maintenance of its works along, over, or under the same, as the corporate authorities may deem expedient and proper.

2. Every such company may contract with any person or corporation, the owner of lands, for any interest, franchise, privilege, or easement therein or in respect thereto, over which such line is proposed to be constructed, for the right of way for erecting, repairing, and preserving its poles and other structures necessary for operating its line, and for sufficient land for the erection and occupation of offices at suitable distances along its line for the public accommodation.

3. If the company and such owner cannot agree on the terms of such contract, the company may acquire such right of way in the manner provided by the laws of this State for the exercise of the right of eminent domain. The title which may be acquired by a telegraph or telephone company under this section shall be only to a right of way for the purpose stated in the preceding section; and no right of way acquired by any such company under this or the preceding section shall be to the exclusion of other like companies from having or acquiring a like right of way over the same lands.

4. The three preceding sections shall be subject to repeal, alteration, or modification, and the rights and privileges acquired thereunder shall

be subject to revocation or modification by the general assembly at its pleasure.

5. It shall be the duty of every telegraph company and of every telephone company doing the business of transmitting and receiving messages, for compensation, in this State to receive dispatches and messages from and for other telegraph and telephone companies or lines doing the business of receiving and transmitting messages for compensation, and from and for any person; and upon the payment of the established charges therefor, to transmit the same, faithfully and impartially, and as promptly as practicable, and in the order of delivery to the said company. For every failure to transmit a dispatch or message faithfully and impartially, and for every failure to transmit a dispatch or message as promptly as practicable, or in the order of its delivery to the company, the company shall forfeit the sum of one hundred dollars to the person sending, or wishing to send, such dispatch or message. But nothing herein shall prevent any such company from giving preference to dispatches or messages on official business, from or to officers of the United States, or the State of Virginia, or from making arrangements with proprietors or publishers of newspapers for the transmission to them, for publication, of intelligence, of general and public interest, out of its regular order.

6. It shall be the duty of every telephone company, doing the business of receiving and transmitting messages for compensation, upon the arrival of a dispatch or message at the point to which it is to be transmitted by said company, to deliver it promptly to the person to whom it is addressed, where the regulations of the company require such delivery, or to forward it promptly as directed where the same is to be forwarded.

It shall be the duty of every telegraph company, upon the arrival of a dispatch or message at the point to which it is to be transmitted, to cause the same to be forwarded by a messenger to the person to whom the same is addressed or his agent, and upon the payment of any charges due on this dispatch or message to deliver it: provided, such person or agent reside within the city or incorporated town in which such station is, or that at such point the regulations of the company require such delivery.

It shall also be the duty of such company to forward a dispatch or message promptly, as directed, where the same is to be forwarded. For every failure to deliver or forward a dispatch or message as promptly as practicable the company shall forfeit one hundred dollars to the person sending the dispatch or message or the person to whom it was addressed.

7. Every person, firm, association, or company doing the business of telegraphing or telephoning telegrams or messages for the public in this State, whether incorporated or not, shall be subject to the provisions of the two preceding sections.

8. Whoever shall hereafter erect, string, or maintain wires for any telephone or telegraph lines, over or across the works, in this State, of any company chartered as a work of internal improvement in any manner so as to endanger the lives or limbs of the employees of such company, or other person, shall, for each offense, be fined not less than one hundred nor more than five hundred dollars.

9. No company doing business as a telephone or telegraph company

in the State of Virginia shall have the right, by contract or otherwise, to limit, evade, or restrict in any manner whatsoever its liability for negligence in sending, receiving, or delivering any dispatch or message delivered to it in the regular course of business.

10. All telegraph companies and telephone companies doing the business of transmitting and receiving messages for compensation in this State shall be liable for special damages occasioned by the negligent failure of their operators or servants in receiving, copying, transmitting, or delivering dispatches or messages, or for the disclosure of the contents of any private dispatch or message, to any person other than to him to whom it is addressed, or his agent, the amount of these damages to be determined by the jury upon the facts in each case. Grief and mental anguish occasioned to the plaintiff by the aforesaid negligent failure may be considered by the jury in the determination of the quantum of damages.

Special damages recoverable under this act shall not be barred by regulations of the company concerning the repeating of dispatches or messages, or by any special undertaking to relieve the company from the consequences of its own negligence.

CHAPTER IX.

Heat, Power, Light, Electric Railway, Cold Storage, Viaduct, Conduit, Bridge, Gas, and Water Companies.

1. Every corporation organized for the purpose of producing, distributing, and selling steam, heat, or power, or compressed air, or for the purpose of producing, distributing, and selling gas made of coal or other materials, or for the purpose of furnishing and distributing a water supply to any city or town, or for the purpose of establishing and maintaining a cold storage plant, or furnishing cold air, or for the purpose of constructing and maintaining any viaduct, bridge, or conduit, or for the purpose of establishing and maintaining these or like enterprises, shall, in addition to the powers conferred upon corporations generally, subject to the provisions of this chapter, have authority to use the public roads and highways of the counties, and the public parks, streets, avenues, and alleys of the cities and towns in this State, and to construct and maintain its works along, over, or under the same, and to lay the necessary pipes and conduits beneath such public roads, highways, parks, streets, avenues, and alleys: provided, however, that any such pipes and conduits shall be laid at such distance below the surface of any public road, highway, park, street, avenue, or alley as may be prescribed by the proper municipal or county authorities, and shall not in any wise unnecessarily obstruct or interfere with public travel or the ordinary use of the same, or damage private property, without compensation therefor: and provided, also, that the consent of the board of supervisors of the county, or the corporate authorities of the city or town, as the case may be, wherein it is proposed to use any public road, highway, park, street, avenue, or alley for the works of any such company, or to lay pipes and conduits beneath the same, shall first, and as a condition precedent, be obtained before any such public road, highway, park, street, avenue, or alley shall be occupied with the works of any such company, or disturbed, opened, or

dug up for any of its purposes. The consent of such corporate authorities shall be by ordinance regularly adopted by the council or other governing body of any such city or town, and the consent of the board of supervisors of any such county shall be by resolution regularly adopted and spread upon the minutes of the said board; that such use of the public roads, highways, parks, streets, avenues, and alleys in any of the cities, towns, or counties of this State shall be subject to such terms, regulations, and restrictions as may be imposed by the corporate authorities of such city or town, or the board of supervisors of such county, and the portions of the surface of the roads, highways, parks, streets, avenues, or alleys, or pavements disturbed in constructing, repairing, or replacing the works of any such company, or disturbed or dug up in laying or relaying pipes and conduits, shall be immediately restored to and maintained in good condition by such company, and in case of failure on the part of the company to so restore and maintain the same, the corporate authorities of any such city or town, or the board of supervisors of any such county, may properly restore and maintain the same, and the costs thereof may be recovered by the city or town, or county, from the corporation so occupying and using any such public road, highway, park, street, avenue, or alley, in any court of competent jurisdiction: provided, however, that no incorporated city or town shall grant to any corporation the right to use or occupy its streets, avenues, or alleys with its works, or to lay its pipes or conduits beneath the same, until it shall have first obtained, in the manner prescribed by the Constitution and laws of this State, the franchise to occupy the same: and provided, also, that, notwithstanding the provisions of this chapter, the corporate authorities of any city or town may impose upon any such corporation such terms and conditions, inconsistent therewith or supplemental thereto, as to the occupation and use of its parks, streets, avenues, and alleys, and as to the construction and maintenance of its works along, over, and under the same, as the said corporate authorities may deem expedient and proper.

2. It shall be the duty of every corporation organized for any of the purposes enumerated in the preceding section, in laying any pipe or conduit in any of the public roads or highways of the counties, or in any of the public parks, streets, avenues, or alleys in the cities or towns of this State, to be used for the purposes of such company, to lay the same at a distance of not less than three feet, if possible, from the outside of any water or gas pipe, or other pipe or conduit, already laid, except in cases where it shall be necessary that said pipes or conduits shall cross any water or gas pipe, or other pipe or conduit, and there such pipes or conduits shall be at least twelve inches distant from the outside of any water or gas pipe, or other pipe or conduit, already laid.

3. Every corporation organized for the purpose of constructing, maintaining, and operating an electric railway, or works, for the supply and distribution of electricity for light, heat, or power, shall, in addition to the powers conferred upon corporations generally, have full power to use, subject to the provisions of this chapter, the public roads and highways of the counties, and public parks, streets, avenues, and alleys of the cities in this State, for the purpose of laying conduits, pipes, or tracks, or of erecting posts or poles along, over, or under the same, to sustain the

necessary wires and fixtures: provided, however, that such works, conduits, pipes, tracks, posts, poles, wires, or fixtures shall not, in any wise, unnecessarily obstruct or interfere with the use of the same, or public travel over the same, or damage private property, without compensation therefor: and provided, also, that any conduit or pipe so laid shall be laid at least three feet below the surface of any public road, highway, park, street, avenue, or alley, and at a distance of not less than three feet, if possible, from the outside of any water or gas pipe, or other pipe or conduit, already laid, except in cases where it shall be necessary that said conduit or pipe shall cross any such water or gas pipe, or other pipe or conduit, and there such pipe or conduit shall be at least twelve inches distant from the outside of any water or gas pipe, or other pipe or conduit, already laid: and provided, also, that the consent of the board of supervisors of the county, or the corporate authorities of the city or town, where it is proposed to lay such pipes, conduits, or tracks, or to erect such posts or poles, and to string or place thereon such wires or fixtures, shall first, and as a condition precedent, be obtained before any such public road, highway, park, street, avenue, or alley shall be used or occupied with the works of any such company, or disturbed, opened, or dug up, or any such conduit, pipe, or track laid, or any such posts or poles placed thereon, or wires or fixtures strung or placed upon such posts or poles. The consent of such corporate authorities shall be by ordinance regularly adopted by the council or other governing body of such city or town, and the consent of such board of supervisors shall be by resolution regularly adopted and spread upon the minutes of the said board; that such use of the public roads and highways of the counties, and of the parks, streets, avenues, or alleys of the cities and towns of this State, shall be subject to such terms, regulations, and restrictions, as may be imposed by the corporate authorities of any such city or town, or of the board of supervisors of any such county, and the portions of the surface of the public roads and highways of the counties, and of the parks, streets, avenues, alleys, or pavements of the cities, disturbed in constructing, repairing, or replacing the works of any such company, along, over, or under the same, shall be immediately restored to and maintained in good condition; and in the case of failure on the part of any such company to so restore and maintain the same, the corporate authorities of any such city or town, or the board of supervisors of any such county, may properly restore and maintain the same, but the costs thereof may be recovered by the city, or town, or county, from the said corporation, in any court of competent jurisdiction: provided, however, that the laying of such pipes and placing wires therein, or the erecting of such posts or poles and stringing wires or fixtures thereon, shall not in any way damage any shade or ornamental tree in front of any private residence or public building, nor in any way be attached to or connected with any such shade or ornamental tree, or any public or private building, without the consent of the owner: and provided, further, that no incorporated city or town shall grant to any corporation the right to use its street, or to construct its works along, over, or under the same, or to lay its conduits, pipes, or tracks, or to erect its posts or poles, or to string thereon its wires or fixtures, until it shall have first obtained, in the manner pre-

scribed by the Constitution and laws of this State, the franchise to occupy the same: and provided, also, that, notwithstanding the provisions of this chapter, the corporate authorities of any city or town may impose upon any such corporation such terms and conditions, inconsistent therewith or supplemental thereto, as to the occupation and use of its parks, streets, avenues, and alleys, and as to the construction and maintenance of its works along, over, or under the same, as the said corporate authorities may deem expedient and proper.

4. The corporations mentioned in this chapter may contract with any person or corporation, the owner of lands, for any interest, franchise, privilege, or easement therein, over, under, or through which any such line is to be constructed, for the right of way for its line and works, and for sufficient land for its necessary offices, plant, or plants, works, stations, and structures.

5. If the company and such owner cannot agree on the terms of such contract, the company may acquire such right of way in the manner provided by the laws of this State for the exercise of the right of eminent domain; and in case any person is damaged in his property along the line of any such public road, highway, park, street, avenue, or alley by any such use or occupation of the same, by any company enumerated in the first and third sections of this chapter, such corporation shall, before using or occupying with its works such public roads, highways, parks, streets, avenues, or alleys, make compensation therefor to the person so damaged; said compensation, if the parties cannot agree upon the same, to be ascertained in the mode prescribed by the law for the exercise of the right of eminent domain.

CHAPTER X.

Turnpikes and Turnpike Companies.

1. Whenever any turnpike company shall have abandoned its road, or a part thereof, the circuit court of the county in which such road lies shall have jurisdiction to place the same under the control of the board of supervisors of the county, who shall take charge of the same, and cause it to be worked and kept in good order in the same manner as the public roads in such county.

2. Every road shall be of the width and its works constructed in the manner prescribed by the charter or articles of incorporation or association. Bridges shall be made where necessary; and all works of the company kept in good order.

3. The company shall place along its work milestones or posts, whereon the distance from or to some well-known point, or from or to the beginning or end of the work, shall be correctly and plainly denoted by letters and figures.

4. As often as a section of five miles of a turnpike road shall be completed, the circuit court of the county wherein the section, or the greater part thereof, lies, shall, on the application of the turnpike company, appoint three disinterested freeholders to report in writing the condition of the section. On such report no order shall be taken, except in the pres-

ence of the Commonwealth's attorney for the county, or of some other attorney acting in his stead. If, on the report, and such other evidence as may be offered, the court shall be satisfied that the section is not completed according to law, judgment shall be rendered against the company for all costs, including a fee to the attorney of ten dollars. If it shall be satisfied that the section is so completed, it shall enter of record an order declaring that fact. After the completion of all the full sections, if there remain any fractional part of a section, the like proceedings shall be had as to such part. When such declaration shall have been entered as to any section, or part of a section, the company may erect a toll-gate therefor, and demand and receive the lawful tolls. If any turnpike company shall not complete its road within five years from the date of its charter, all rights acquired thereunder shall be forfeited unless a longer time for the completion shall have been, or may hereafter be, expressly allowed by law, and it shall be the duty of the circuit court of the counties, respectively, in which the road lies to open it to the public.

5. Any person or persons alleging that a turnpike road, or any section thereof, is out of repair, may apply by petition in writing to the circuit court of any county, or to the judge thereof in vacation, in which said road may lie, for a summons to three freeholders not living on said road to meet on said section at a day specified and examine the same; five days' notice of such application to be given to the president or one of the directors of said company; or, if it be a State road, to the superintendent thereof, and the said court shall forthwith appoint such viewers of said road, if, upon the hearing of said petition, the same shall appear reasonable and proper; and it shall be the duty of the judge of the circuit court of any county in which there may be a turnpike road upon which tolls are charged, three times a year, in term or vacation, in the months of April, August, and December, to appoint three such viewers for each of such turnpike roads in his county, who shall, at a time to be specified in the order, examine the same, and shall be paid for their services by the company. All proceedings under said appointment of the court shall be as provided by sections six, seven, eight, and nine of this chapter; except that in the case of any turnpike road in which the State has an interest a copy of the report of the viewers, if against the road, shall be certified by them to the State corporation commission, and the facts certified by them to the court, and the cost thereof shall be paid as the court may direct; and except, also, that on such last-mentioned report, and on any report made by viewers under this section, if made against the turnpike company, of which report the turnpike company shall be forthwith notified by the clerk of the court, the said company may appeal to said circuit court, and said court may, on such appeal, confirm, set aside, or recommit said report for further proceedings, as it may deem advisable.

6. The said freeholders shall meet pursuant to the summons, and take an oath faithfully to perform their duty, and make a report of the condition of the said section to said court.

7. The report of the freeholders shall be annexed to the summons, and shall be to the following effect: "We,, freeholders named in the summons hereto annexed, certify that we have,

pursuant thereto, examined the section therein mentioned, and our decision is that the same is (or is not) in good repair in every part thereof.

8. The report shall be forthwith returned to the clerk's office of the circuit court, to be there preserved and recorded. The fees for such record, and for summoning the freeholders, shall be paid by the company, where the decision is against it, otherwise by the informer.

9. All tolls upon any section of the road of any turnpike company so pronounced not to be in good repair shall be suspended from the time of the filing of the report of the viewers in the clerk's office until the said section shall be put in good repair and ascertained so to be, as follows: On the application of the president, or one of the directors of the company, a justice shall issue his warrant for summoning the same freeholders; or, in case of a vacancy or vacancies, enough other disinterested freeholders to fill such vacancy or vacancies, to be named in the warrants, to meet on the said section at a certain specified time, which shall be as soon as convenient, and ascertain whether the said section is in good repair or not; and the proceedings upon such warrants shall be the same as are prescribed in the preceding sections; the fees of the officers and viewers shall be paid by the company. But nothing contained in the preceding five sections shall be construed to refer to any turnpike placed under the exclusive control of the State corporation commission by the general assembly.

10. When different rates are not prescribed by law, the following tolls may be received on a section of five miles of a turnpike which has been completed, to-wit: Six and a quarter cents for twenty sheep or hogs, and twelve and a half cents for twenty cattle, and so in proportion for a less or greater number; three cents for a horse, mare, mule, or gelding; five cents for a two-wheeled riding carriage; ten cents for a four-wheeled riding carriage; and for a cart or wagon, six and a quarter cents for each animal drawing it; and for every engine, machine, wagon, or other vehicle, moved or drawn, in whole or in part, by steam or other motive power, six and a quarter cents for each wheel of every such engine, machine, wagon, or other vehicle moving on the ground. For a fractional part of a section, tolls may be received, bearing the same proportion to the tolls for a full section that the said fractional part bears to such full section: provided, however, that the following rates of tolls shall be charged on the Valley turnpike, to-wit: Five cents for twenty sheep or hogs, and ten cents for twenty cattle, and so in proportion for a greater or less number; three cents for a horse, mare, mule, or gelding; five cents for a two-wheeled riding carriage; ten cents for a four-wheeled riding carriage, drawn by two horses; six cents for a four-wheeled riding carriage drawn by one horse; and for a cart or wagon drawn by one horse, five cents; for a wagon drawn by two horses, ten cents; for a wagon drawn by four horses, eighteen cents; and for every additional horse, three cents; and for every engine, machine, wagon, or other vehicle moved or drawn, in whole or in part, by steam or other motive power, six and a quarter cents for each wheel of every such engine, machine, wagon, or other vehicle moving on the ground. For a fractional part of a section only such tolls may be received as bear the same proportion to tolls for a full section that the said fractional part bears to such full section: and

provided, further, that the present system of giving annual tolls for travel to residents along the Valley turnpike shall be continued, and no greater charge shall be made than is now charged by turnpike companies for similar travel.

11. Every turnpike company shall, from time to time, cause a list of its rates of toll to be printed, and have such rates posted where they can readily be seen by persons using its work. When the rates of a turnpike company are not posted at its toll-gate, no tolls shall be received thereat.

12. A collector of tolls for any turnpike company may refuse to let any person or thing pass on the company's work until the toll be paid. If any person or thing pass the toll-gate, or other proper place for payment, without the toll being paid or tendered, such person or the owner or person in possession of such thing, shall forfeit to the company ten dollars, and the like forfeiture shall be incurred where any person or thing, subject to the toll of a turnpike company, is passed through any private gate, bars, or fence, or by any other way, for the purpose of evading the payment of the toll. And the like forfeiture shall be incurred where any person or thing, subject to the toll of a turnpike company, upon approaching a toll-gate, be left standing or hitched at or near such gate to avoid passing such gate, for the purpose of evading the payment of the toll. Any such collector knowing of a violation of this section shall immediately make it known to the president or one of the directors; if he fail so to do, he shall forfeit to the company twenty dollars, which may, if so much of his compensation remain unpaid, be deducted therefrom.

13. If any collector receive for tolls more than is lawful, the company, or person in whose service he is as such collector, shall pay to the party aggrieved thereby the amount unlawfully received, and ten dollars besides, which sum may be recovered on motion before the circuit court of the county wherein the unlawful tolls were received, after ten days' notice, which may be served by leaving a copy of the same with the collector so unlawfully receiving said tolls, or with any member of his family over sixteen years of age, and giving information of its purport to said member of his family; or, in the absence of said collector, and all such members of his family, by posting the said copy at the front door of his abode.

14. The private stockholders in any turnpike or plank road in which the State's interest has been transferred by virtue of section fifty-nine of the act entitled "an act to put into effective operation the provisions of the Constitution relating to the creation, appointment, and organization of the State corporation commission, etc," approved April fifteenth, nineteen hundred and three, with the consent of the board of supervisors of the county or counties in which said road lies, may likewise, in lawful meeting of said stockholders, transfer and convey the interest of the stockholders therein to the county or counties aforesaid.

15. This act shall be in force from its passage.

TIMES FOR THE COMMENCEMENT OF THE REGULAR TERMS OF THE CIRCUIT COURTS OF VIRGINIA.

FIRST CIRCUIT.

Norfolk County—The first Monday in January, February, March, April, May, June, July, October, November, and December.

Princess Anne County—The third Monday in January, March, May, July, September, and November.

Portsmouth City—The fourth Monday in March and September.

SECOND CIRCUIT.

Isle of Wight—On the first Monday in March, June, October, and December.

Nansemond—On the second Monday in January, March, May, July, and October.

Southampton—On the third Monday in January, March, May, July, and October.

City of Norfolk—On the second Monday in April and November.

THIRD CIRCUIT.

Prince George County—Third Tuesday in January, March, May, September, November, and July sixth.

Surry County—Fourth Tuesday in January, March, May, September, November, and July twelfth.

Sussex County—First Tuesday in January, March, May, September, November, and July first.

Greeneville County—First Tuesday in February, April, June, October, December, eighteenth of July.

Brunswick County—Third Tuesday in February, April, June, and October.

FOURTH CIRCUIT.

Amelia—Fourth Thursday in January, March, May, August, October, and December.

Chesterfield—Second Monday in February, April, June, September, and November.

Dimciddie County—Third Monday in January, March, May, August, October, and December.

Nottoway County—First Thursday in January, March, May, August, October, and December.

Powhatan County—First Monday in February, April, June, September, and November.

City of Petersburg—June the fifth and December the fifth.

FIFTH CIRCUIT.

Appomattox County—First Monday in February, April, June, and October.

Buckingham County—Tuesday after the second Monday in February, April, June, and October.

Charlotte County—First Monday in January, March, May, July, September, and November.

Cumberland County—Tuesday after fourth Monday in January, April, June, and November.

Prince Edward County—Third Monday in March, May, September, and November.

SIXTH CIRCUIT.

Laurensburg County—Second Monday in April, June, October, and December.

Mecklenburg County—Third Monday in February, April, June, August, October, and December.

Halifax County—Fourth Monday in January, March, May, July, September, and November.

Campbell County—Second Monday in January, March, May, July, September, and November.

City of Lynchburg—Third Monday in January, March, May, September, and November.

SEVENTH CIRCUIT.

Pittsylvania County—Third Monday in January, March, May, July, September, and November.

Franklin County—March tenth and first Monday in May, September, and December.

Henry County—Second Monday in January, April, June, and October.

Patrick County—Tuesday after the fourth Monday in January, March, June, and October.

City of Danville—January fifth and April twenty-ninth.

EIGHTH CIRCUIT.

Amherst County—Third Monday in February, April, June, August, October, and December.

Nelson County—Fourth Monday in January, March, May, July, September, and November.

Albemarle County—First Monday in February, April, June, August, October, and December.

Fluvanna County—Fourth Monday in February, April, June, August, October, and December.

Goochland County—Third Monday in January, March, May, July, September, and November.

NINTH CIRCUIT.

Rappahannock—Second Monday in February, April, June, August, October, and December.

Culpeper—Third Monday in January, March, May, July, September, and November.

Madison—First Monday in February, April, June, August, October, and December.
Greene—Third Monday in February, April, June, August, October, and December.
Orange—Fourth Monday in January, March, May, July, September, and November.

Louisa—Second Monday in January, March, May, July, September, and November.

TENTH CIRCUIT.

Henrico—First Monday in January, April, July, and October.

City of Richmond—First Monday in February, May, and November.

ELEVENTH CIRCUIT.

Accomac—First Monday in January, March, May, July, September, and November.

Northampton—Second Monday in January, March, May, July, September, and November.

Elizabeth City—Third Monday in January, March, May, July, September, and November.

City of Newport News—First Monday in February, April, June, August, October, and December.

TWELFTH CIRCUIT.

Richmond County—First Monday in January, March, May, July, September, and November.

Northumberland—Second Monday in February, April, June, August, October, and December.

Lancaster—Third Monday in January, March, May, July, September, and November.

Westmoreland—Fourth Monday in February, April, June, August, October, and December.

Essex—Third Monday in February, April, June, August, October, and December.

THIRTEENTH CIRCUIT.

Gloucester—First Monday in January, March, May, July, September, and November.

Mathews—Third Monday in January, March, May, July, September, and November.

King and Queen—Second Tuesday in February, April, June, August, October, and December.

King William—First Tuesday in February, April, June, August, October, and December.

Middlesex—Fourth Wednesday in January, March, May, July, September, and November.

FOURTEENTH CIRCUIT.

New Kent—Second Thursday in January, March, May, July, September, and November.

Charles City—Third Thursday in February, April, June, August, October, and December.

York—First Tuesday in February, April, June, August, October, and December.
Warwick—Second Monday in January, March, May, July, September, and November.
James City—Second Monday in February, April, June, August, October, and December.
City of Williamsburg—First day of May and November.

FIFTEENTH CIRCUIT.

King George—First Thursday in January, March, May, July, September, and November.
Stafford—Fourth Wednesday in January, March, May, July, September, and November.
Spotsylvania—First Monday in February, April, June, August, October, and December.
Caroline—Third Monday in February, April, June, August, October, and December.
Hanover—Third Monday in January, March, May, July, September, and November.

SIXTEENTH CIRCUIT.

Fauquier—Fourth Monday in January, March, May, July, September, and November.
Loudoun—Second Monday in February, April, June; third Monday in August; second Monday in October and December.
Prince William—First Monday in February, April, June, August, October, and December.
Fairfax—Third Monday in January, March, May, July, September, and November.
Alexandria—Fourth Monday in February, April, June, August, October, and December.
City of Alexandria—First Monday in May and November.

SEVENTEENTH CIRCUIT.

Frederick—First Monday in February, April, June, August, October, and December.
Clarke—Fourth Monday in January, March, May, July, September, and November.
Warren—First Monday in January, March, May, July, September, and November.
Page—Third Monday in February, April, June, August, October, and December.
Shenandoah—Second Monday in January, March, May, July, September, and November.

EIGHTEENTH CIRCUIT.

Rockingham—Third Monday in January, March, May, July, September, and November.
Rockbridge—Second Monday in February, April, June, August, October, and December.
Augusta—Fourth Monday in February, April, June, August, October, and December.

NINETEENTH CIRCUIT.

Alleghany—February first, April first, June fifteenth, September fifteenth, December fifteenth.

Bath—Twentieth day of March, May, July, and November.

Botetourt—March first, June first, August twenty-fifth, December first.

Craig—Twentieth of February and tenth of May and October.

Highland—Fourth Tuesday in April, July tenth, November tenth.

TWENTIETH CIRCUIT.

Bedford—First day of March, September, and December, and tenth day of June.

City of Roanoke—Fifteenth day of March, May, September, and December.

Montgomery—February fifteenth and first day of May, July, and October.

Roanoke—January first, April first, June first, November fifteenth.

Floyd—The first day of February, sixteenth day of April, July, and October.

TWENTY-FIRST CIRCUIT

Wythe—First Monday in January, April, August, first Monday in November.

Pulaski—Second Monday in February, first Monday in May and September, third Monday in November.

Carroll—First Monday in March, third Monday in May and September, first Monday in December.

Grayson—Tuesday after third Monday in March, Tuesday after first Monday in June, Tuesday after second Monday in October, Tuesday after second Monday in December.

TWENTY-SECOND CIRCUIT.

Giles—First Monday in February, second Monday in May, fourth Monday in September.

Bland—Second Monday in March, July, and third Monday in October.

Tazewell—Third Monday in February, fourth Monday in May, August and November.

The judge may designate one of the terms of the court for Tazewell county at which only criminal cases shall be tried.

Buchanan—Tuesday after fourth Monday in March, July, and Tuesday after second Monday in December.

TWENTY-THIRD CIRCUIT.

Washington—Fourth Monday in January, March, May, November, third Monday in September.

Russell—Tuesday after the first Monday in January, March, May, September, and November.

Smyth—Third Monday in February, April, August, October, and December.

TWENTY-FOURTH CIRCUIT.

Scott—First Monday in February, May, September, fourth Monday in November.

Lee—Third Monday in February, May, September, second Monday in December.

Wise—First Monday in January, April, August, and November.

Dickenson—Third Monday in March, July, October, fourth Monday in January.

TIMES FOR THE COMMENCEMENT OF THE REGULAR TERMS OF THE CORPORATION COURTS OF VIRGINIA.

CITY.	MONTHLY TERM.
Alexandria city	Second Monday.
Bristol .....	.....
Buena Vista	Second Monday in February, June, August, October, and December; third Monday in April.
Charlottesville	Third Monday.
Danville	First Monday.
Fredericksburg	First Thursday except August, and second Thursday in September.
Lynchburg	First Monday.
Manchester	Third Monday, except August.
Newport News	Second Monday.
Norfolk city:	
Hustings Court	First Monday.
Chancery Court	Third Monday in each month.
Petersburg	Third Thursday.
Portsmouth	First Thursday after first Tuesday.
Radford	Second Monday.
Richmond city:	
Hustings Court	First Monday except September, in which month com- mences on 20th.
Chancery Court	First Monday in January, April, June, and October.
Law & Equity Court	Second Monday in February, May, September, and De- cember.
Roanoke city	First Monday except August. No court August.
Staunton	Thursday after first Monday.
Winchester	Third Monday except August.

TIMES FOR THE COMMENCEMENT OF THE REGULAR TERMS
OF THE SUPREME COURT OF APPEALS
OF VIRGINIA.

RICHMOND—First Tuesday in November.

WYTHEVILLE—First Tuesday in June.

STAUNTON—First Tuesday in September.

PLACES AT WHICH SEPARATE POLLS HAVE BEEN ESTABLISHED IN EACH COUNTY AND OF THE WARDS IN THE SEVERAL CITIES.

ACCOMACK—Chincoteague Islands, Greenbackville, New Church, Temperanceville, Hall's Store, Saxs, Nappsville, Bloxom, Newtown, Parksley, Courthouse, Onancock, Tangier Island, Pungoteague, Wachapreague, Hawk's Nest, Belle Haven.

ALBEMARLE—Batesville, Blackwells, Courthouse, Carter's Bridge, Covesville, Earlysville, Free Union, Howardsville, Hillsborn, Ivy, Keswick, Lindsay's, Monticello, Metton, North Garden, Owensville, Proffit, Porter's, Stony Point, Scottsville, Wingfields, White Hall, Alberene.

ALEXANDRIA—Ballston, Four-Mile Run, Carne School.

ALLEGHANY—Clifton Forge, Jackson River, Longdale, Iron Gate, Rechpatch, Peter's Switch, West Clifton Forge, Covington, Dunlap, Griffith's, Aritt's, Clift, Damrons.

AMELIA—Amelia Courthouse, Wilkerson's Shop, Chula, Deatonsville, Paineville, Jetersville, Mannboro, Namozine, Bridgforth's Mill.

AMHERST—Courthouse, Riverville, Hicks, Temperance, Fancy Hill, New Glasgow, Pedlar Mills, Naola, Furnace, Chestnut, Allwood, Oronoca, Elon, Magruder's, Madison, Wright's Shop, Monroe.

APPOMATTOX—Courthouse, Chop, Cheatwood, Clover Hill, Walker's Church, Pamplins, Stonewall, Oakville, Agee's.

AUGUSTA—Sandy Hollow, Peaco's Mill, Bolivar, Folly Mills, Arbor Hill, Burnett, Mount Solon, Sungersville, Parnassus, Spring Hill, Centerville, Roman, New Hope, Mt. Sidney, Mt. Meridian, Verona, Crimora, Burks' Mill, Hermitage, Laurel Hill, Harriston, Waynesboro, Basic City, Fishersville, Stuart's Draft, Sherando, Greenville, Middlebrook, Spotswood, Newport, Buffalo Gap, Deerfield, Craigsville, Kershner's Mill, Churchville, Pond Gap.

ALEXANDRIA—Courthouse, Friendship.

BATH—Warm Springs, Mountain Grove, Hickman's School-House, Cleek's Mills, Healing Springs, Cedar Creek, Glover's Mills, Crawford's Mill, Carpenter's School-House, Cloverdale, Fair View, Millboro Springs, Sitlington.

BEDFORD—North Liberty, South Liberty, Bunker Hill, Blount, Peaksville, Thaxton, Patterson's Mill, Hall's Mill, Bufordsville, Hogan's Store, Chamblissburg, Stewartsville, Goodview, Emaus, Cedar Hill, Bourd's Store, Fancy Grove, Valley Mills, White Rock, Lone Gum, Franklin Store, Otter Hill, Pollard's Store, Everett's Store, Goode, Forest Depot, Perrowville, Bigbie's Shop, Cove, Big Island, Charlemont, Curtis.

BLAND—Boglis School-House, Bishop's, Rocky Gap, Davis, Mechanicsburg, Point Pleasant, Ceres, Sharon, Seldon.

BOTETOURT—Courthouse, Oriskany, Eagle Rock, Gala, Lick Run, Glen Wilton, Town Hall, Asburry, Vandegrift's Shop, Amsterdam, Cloverdale, Troutville, Brugh's Mill, Glade Creek, Coyner's, Rocky Branch, Buchanan, Lithia, Arch Mills, Springwood, Jennings's Creek, Roaring Run.

BRUNSWICK—Lawrenceville, Poarch and Ross, Smoky Ordinary, Sturgeonville, Trotter's Store, Edmund's Store, Elmore's Store, Brodnax, Tillman's, Rock Store, Phipp's, Drumgoole's, Butler's.

BUCHANAN—Grundy, State, Prater, Contrary, Hurricane, Whitt Place, Rock Lick, Knox.

BUCKINGHAM—Maysville, Wright's, Spencer's Store, Glenmore, New Store, Curds-ville, White Hall, Red Mills, New Canton, Gold Hill, Damson's, Well Water.

CITY OF BRISTOL—Bristol City.

CITY OF BUENA VISTA—First Ward, Second Ward.

CAMPBELL—Courthouse, Concord, Mt. Zion, Brookneal, Hat Creek, Morgan's Mill, Mike, Pigeon Run, Marysville, Castle Craig, Lynch's, Leesville, New London, Evington, Rolling Mill, Black Water, Flynnus Kings, West Lynchburg.

CAROLINE—Bowling Green, Shermansville, Sparta, White's, Gouldman's, Port Royal, Moss Neck, Guiney's, Madison, Cedar Fork, Balty, Reedy Church, Bowers.

CARBOLL—Courthouse, Little Vine,, Lindsey's, Quesenberry's, *Courthouse (Laurel Fork District)*, Ferment, Snake Creek, Nester's, Turner's, Smith's Mill, Strickland's, Wisler's, Hawk's, *Courthouse (Piper's Gap District)*, Beamer's, Woodlawn, Castle Hill, Hank's, *Courthouse (Sulphur Springs District)*, Mt. Zion, Hebron, Blair, Springs, McGee's Mill.

CHARLOTTE—Scott's Store, Aspinwall, Priddy's Store, Keysville, Courthouse, Clements, Wyllinburg, Red Oak, Smith Tavern, Harvey's Store, Midway.

CHARLES CITY—Harrison, Tyler, Chickahomony.

CHESTERFIELD—Swansboro, Oak Grove, Pulliam's Store, Bon Air, Midlothian, Homer's Store, Winterpock, Skinquarter, Winfrey's Store, Matoaca, Ettricks, Chester, Eyer's Store, Courthouse.

CLARKE—White Post, Lindsay's Millwood, Morgan's Mill, Shenandoah, Battle-town, Mt. Airy, Russell's, Pierce's.

CRAIG—Courthouse, Barber's Creek, Paint Bank, McGuire's Store, Marshall's Store, Ammendale, Healing Springs, Givens & Reynolds' Store, Forks, John's Creek.

CULPEPER—East, West, Jeffersontin, Rixeyville, Mitchell's, Brown's Store, Eldo-rado, Brandy, Stevensburg, Lignum, Richardsville.

CUMBERLAND—Brown's Church, Courthouse, Flippen's Mill, Bush Park, Flana-gan's Mill.

CITY OF CHARLOTTESVILLE—First, Second, Third, and Fourth.

DINWIDDIE—Brookland, Cherry Hill, Church Road, Dinwiddie Courthouse, Dar-vills, Malone's, Monk's Neck, New Hope, Oak's Grove, Ritcheville, Ream's, Rocky Run, Sutherland, White Oak, Westboro.

DANVILLE CITY—Six wards.

ELIZABETH CITY—Fox Hill, East End, Phœbus, Wythe, Hampton.

ESSEX—Loretta, Lloyd's, Enterprise, Tappahannock, Howerton's, Centre Cross.

FRANKLIN—Rocky Mount, Snow Creek, Sydnorsville, Calloway, Helms, Boon's Mill, Long Branch, Providence, Young Store, Glade Hill, Pen Hook, Dickin-son, Union Hall, Taylor's Store, Hatcher's, Brook's Mill, Lynville, Laughon, Bowman's.

FAIRFAX—Centreville, Clifton, Swetnam's, Well's Store, Burke's, Baylis, Wood-yards, Accotink, Pulman's, Gum Spring, Moore's, Falls Church, West End, Anandale, Fairfax Courthouse, Langley, Vienna, The Lick, Pranesville, Hern-don, Forestville, Thompson's, Thornton's.

FAUQUIER—Orlean, Feery Run, Marshall, Hume, Paris, Upperville, Rectorstown, Landmark, The Plains, New Baltimore, Warrenton, Morrisville, Bealeton, Remington, Auburn, Catlett's, Culverton, Bristersburg, White Ridge.

- FLOYD**—Copper Hill, Weaver's, Locust Grove, Harman's, Furtle Rock, Courthouse, Booth's Mill, Stuart's School-House, Indian Valley, Barringer, Hylton.
- FLUVANNA**—Palmyra, Centre Hill, Wilmington, Kent's Store, Columbia, Fork Union, Bramhams, Cunningham, Kidd's Store, Tutwiler's Store, Goodson's.
- FREDERICK**—Neffstown, Brucetown, White Hall, Gainesboro, Baker's Mill, Dolans, Ashton's, Yeakley's, Gore, Lamps, Russell's, Dry Run, Middletown, Old Forge, Newtown, Canter's, Kernstown, Carper's Valley, Greenwood.
- FREDERICKSBURG CITY**—Upper, Lower.
- GRAYSON**—Independence, Elk Creek, Comer's Rock, Old Town, X-Roads, Fairview, Cherry Grove, Fries, Bridle Creek, Mouth of Wilson, Pugh Place, White Top, Trout Dale, North Corner, Potato.
- GREENE**—Monroe, Stanardsville, McMullan, Ruckersville.
- GREENESVILLE**—Belfield, Trotter's Store, Hicksford, Ryland's, Moss, Taylor's Mill.
- GILES**—Pearisburg, Narrows, Burton's Mills, Glen Lyn, Eggleston, Poplar Hill, White Gate, Sugar Run, Staffordsville, Pembroke, Hatfield, New River, Newport.
- GLOUCESTER**—Glenn's, Wood's X-Roads, Hornet's Nest, Sassafras, Trevilian's, Tabb's Store, Courthouse, Bel Roi, Hicory Fork, Hayes' Store, Achilles, Stonewall.
- GOOCHLAND**—Bowles' Store, Ford's Store, Deitrick's Store, Goochland Courthouse, Rockets, Three Square, Watkinsville, Caladonia, Snead's Store, Trice's Store, Tabscott.
- HANOVER**—Creed Harbor, Rural Point, Clay, Ashland, Rockville, Blunt's, Hall's Shops, Higgason.
- HALIFAX**—Courthouse, South Boston, Clay's Mill, Scotsburg, Mt. Laurel, Cross-Roads, Clover, Dryburg, Mt. Carmel, Brandon, Black Walnut, Hycos, Mayo, Vernon Hill, News Ferry, Brooklyn, Whitlock, Birch, Pace's, Red Bank, Omega, Midway, Republican Grove, Barksdale, Bryan, Martin's Store, Meadville, Locust Level.
- HENRICO**—Whitlock's, Town Hall, Carter's, Baker's, Seven Pines, Hardin's Shop, Howard's Grove, Jones, Chestnut Hill, Bruns, Hungary, Shoemaker's, Westhampton, Ridge Church, Short Pump, Barton Heights.
- HENRY**—Martinsville, Mayo, Spencer, Gunville, Horse Pasture, Scott's, Ridgeway, Oak Level, Bassett, Ironside, Figsboro, Axton, Leatherwood, Mount Valley, Irisburg.
- HIGHLAND**—Ruckman's School-House, Hevener's, New Hampden, Courthouse, Wilson's Mill, Bethlehem, Pullin's School-House, Stuart's Mill.
- ISLE OF WIGHT**—Baker's Store, Burwell's Bay, Courthouse, Zuni, Carrollton, Longview, Orbit, Smithfield, Carrsville, Mount Carmel, Windsor.
- JAMES CITY**—Jamestown No. 1, Jamestown No. 2, Stone House, Chickahominy.
- KING AND QUEEN**—Buena Vista, Little Plymouth, Stevensville, Curlton Store, Clark's, Newton.
- KING GEORGE**—Courthouse, Passapatanky, Hampstead, Shiloh.
- KING WILLIAM**—Mangohick, Beulahville, Manquin, Courthouse, Lanesville, West Point.
- LANCASTER**—Kilmarnock, Irvington, Weem's, White Store, Little Bay, Litwalton, Corrolomon, Lancaster.
- LEE**—Bale's Mill, Bale's Forge, Blackwater, Bishop's Store, Dryden, Dixie, Hunter's Gap, Hurst Store, Jonesville, Morgan's Store, Pennington Gap, Stickleyville, Salem, Sulphur Springs, Turkey Cove.

CITY OF LYNCHBURG—First Ward, Second Ward, Third Ward.

LOUDOUN—Leesburg, Luckett's, Lovettsville, Taylorstown, Water's, Bolington, Hamilton, South Purcellville, Snickersville, Silcott's Springs, Mt. Gilead, Lincoln, Hughesville, Philamont, Waterford, Hillsboro, Purcellville, Irine, Round Hill, Union, Middleburg, Aldie, Mountville, Powell's Shop, Gumspring, Farmwell, Guilford, Waxpool, Lenah.

LOUISA—Zion, Trevilian's, Bell's Cross-Roads, Louisa Courthouse, Terrell, Thompson Cross-Roads, Cuckoo, Fred Hall, Centreville, Shelton Mill, Jackson's, Bumpass.

LUNENBURG—Lewiston, Knight and Oliver, Pleasant Grove, Meherrin, Rehoboth, Plantersville, Brown's Store, Lochleven, Columbian Grove.

MADISON—Criglersville, Dulensville, Graves' Mill, Madison Courthouse, Nethers, Oak Park, Rochelle, Wolfstown.

MATHEWS—Battery, Courthouse, White's Neck, Gwynn's Island, Hookimfair, Cobb's Creek, Port Haywood.

MECKLENBURG—Boydton, Baskerville, Fenchley, Gillespie's Store, Abbyville, Clarksville, Averett, Buffalo Lithia Springs, Pearson's Store, Wright's Store, Larosse, Hagood's Store, Smith's Store, Edmondson Old Store, Chase City, Smith's Cross-Roads.

MIDDLESEX—Jamacia, Saluda, Free Shade, New Market.

MONTGOMERY—Christiansburg, Guerrant's, Shawsville, Alleghany Springs, Big Spring, Kirby's Mill, Auburn, Harman's, Grayson's Mill, Blacksburg, Price's Fork, Long's Shop, Crumpecker's.

MANCHESTER—First, Second, Third, and Fourth Wards.

NANSEMOND—Suffolk, Copeland Mill, Holy Neck, Kilby Mill, Cypress, Paul's Branch, Somerton, Chuckatuck, Ebenezer, Myrtle, Junction, Yeate's.

NELSON—Lovingston, Elmington, Arrington, New Market, Gladstone, Buff Ridge, Roseland, Massie's Mill, Lowesville, Montebello, Forks, Faber's, Poplar, Grape Lawn, Slaughter's, May's Store, Mauris' Store, Pamplin.

NEW KENT—Quinton, Talleysville, Courthouse, Barhamsville.

NORFOLK—Bethel, Bell's Mill, Hall's Corner, Glebe, Bower's Hill, Churchland, West Berkley, East Berkley, Oak Grove, Huntersville, Zion's Church, Cross-Roads, Deep Creek, Indian Creek, Hickory Grove.

NORTHAMPTON—Capeville, Cape Charles, Bay View, Eastville, Johnstown, Franktown, Wardtown, Hog Island.

NORTHUMBERLAND—Scotaburg, Heathsville, Burgess' Store, Tignor's Store, Reedville, Wiconico Church, Harvey's Wharf.

NOTTOWAY—Blackston, Burkeville, Crewe, Jeffress Store, Nottoway Courthouse, Spainville.

CITY OF NEWPORT NEWS—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

CITY OF NORFOLK—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

ORANGE—Orange, Gordonsville, Barboursville, Rhoadesville, Woolfolk's, Halle, Locust Grove.

PAGE—Honeyville, Jollett, Newport, Shenandoah, Leakesville, Shirley, Marksville, Luray, Printz Mill, Rileyville, Springfield.

PATRICK—Courthouse, Pat Springs, Liberty, Stella, Penn's Store, Palmetto, Turner's Store, King's Store, Hill's School-House, Gate's Store, Bell Spur, Aker's Store, Dehart's Mill, Adams' Store, Charity, Dodson, Elmerville, Buffalo Ridge.

PITTSYLVANIA—Byant's, Gile's Store, Galveston, Spring Garden, Weal, Elba, Dry Fork, Chatham, Museville, Sandy River, Banister, Swansonville, Catlands, Hollywood, Grasty's Store, Riceville, Cedar Hill, Peytonsburg, Shockhoe, Laurel Grove, Keeling, Beavers, Ringgold, Statesville, Kentucky, Ajax, Brights, Menla, Farmers, Toshes, Pullens, Whites, Brutus, Straight Store, Hurt, Chalk Level, Level Run, Renan, Sycamore, Hill Grove, McDowel's Mill, Stokesland, Cascade, Design, Whitmell, Brosville, Bachelor's Hall, Mount Cross.

POWHATAN—Ballsville, Smith's Cross-Roads, Powhatan Courthouse, Pineville, Powhatan Station, Sublett's.

PRINCE EDWARD—Farmville, Prospect, Spring Creek, Worsham, Briery, Green Bay, Rice.

PRINCE GEORGE—Lee's Mill, Rives, Bland, Blackwater, Brandon.

PRINCESS ANNE—Blackwater, Creed's Bridge, Capp's Shop, Wash Woods, Courthouse, London Bridge, Kempesville.

PRINCE WILLIAM—Manassas, Wellington, Haymarket, Hickory Grove, Waterford, Brentsville, Greenview, Nokesville, Independent Hill, Horton's, Token, Dumfries, Potomac, Occoquan Hoadley.

PULASKI—Allisonia, Max Creek, Reed Island, River View, Snowville, Churchwood, Dublin, New River, East Pulaski, Hunter's, West Pulaski, Harmony, Ingles, Newbern, Oak Grove.

CITY OF PETERSBURG—First, Second, Third, Fourth, Fifth, and Sixth Wards.

CITY OF PORTSMOUTH—First Ward, Second Ward, Third Ward, Fourth Ward, and Fifth Ward.

RAPPAHANNOCK—Flint Hill, Amissville, Hamlin, Sperryville, Washington, Woodville.

RICHMOND—Farnham, Warsaw, Newland, Emmerton.

ROANOKE—John's Shop, Brand's Store, Botetourt Springs, Glenver, North Salem, South Salem, West Salem, Bonsacks, Edington's Shop, Norwich, Tinker Creek, Vinton, Bent Mountain, Cave Spring, Poage's Mill, Red Hill.

ROCKBRIDGE—Lexington, Hartsook's Shop, Glasgow, Glenwood, Oak Bank, Natural Bridge, Broad Creek, Hamilton's School-House, Collierstown, Montgomery, Big Spring, Smith's Mill, Rockbridge Baths, Brownsburg, Fleemen, Goshen, Kennedy's Mill, Timber Ridge, Riverside, Fairfield, Raphine, Campbell's Mill.

ROCKINGHAM—Swift Run, Elkton, Furnace Number Two, McGaheysville, Port Republic, Meyerhoffer Store, Cross Keys, Pleasant Valley, Mt. Crawford, Bridgewater, Dayton, Ottovine, Keezeltown, East Harrisonburg, West Harrisonburg, Mount Clinton, Mountain Valley, Melrose, Edom, Singer's Glen, Oak Grove, Tenth Legion, Timberville, Broadway, Carter's Store, Wittig's Store.

RUSSELL—Lebanon, Cleveland, Honaker, Sword's Creek, Cook's Mills, Johnson's, Baylor's, Hawkin's Mill, Fugate's, Wampler, Dorton, Carterton, Grigsby's, Banner.

CITY OF RADFORD—East Ward, West Ward.

RICHMOND CITY—Marshall Ward, Jefferson Ward, Madison Ward, Monroe Ward, Clay Ward, Lee Ward, Jackson Ward.

ROANOKE CITY—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward.

SCOTT—Addington, Clinchport, Duffield, Estillville, Rollers, Frances, Hoge's Store, Hilton's, Jennings, Nickelsville, Osborn's Ford, Powers, Peters, Pattonville, Rye Cove, Stoney Creek, Sony Point, Smith's, Wininger's.

- SHENANDOAH**—New Market, Quicksburg, Forestville, Jno. D. Miller's, Mount Jackson, Hudson's Cross-Roads, Cleveland, Jerome, Calvin Hill, Hamburg, Edinburg, Lantz's Mills, Columbia Furnace, Liberty Furnace, Pine Hill School-House, Dry Run School-House, Tom's Brook, Tom Hall, Courthouse, St. Luke, Central School-House, Bonton, Sannisville, Mount Olive, Fisher's Hill, Lebanon Church, Orando, Strasburg.
- SMYTH**—Atkins, Bonhams, North Marion, South Marion, Seven-Mile Ford, Broad Ford, Chatham Hill, Olympia, Saltville, Blue Spring, Holstein Mills, St. Clair Bottom, Williams.
- SUSSEX**—Courthouse, Yale, Henry, Stony Creek, Little Mill, Newville, Littleton, Waverly, Wakefield.
- SURRY**—Wall's Bridge, Surry Courthouse, Baconi Castle, Claremont, Cassley, Spring Grove.
- STAUNTON**—First Ward, Second Ward.
- STAFFORD**—Brooke, Stafford Courthouse, Griffis, Roseville, Stafford Store, Harwood, Hartwood, Falmouth, White Oak.
- SOUTHAMPTON**—Adams' Grove, Drewryville, Boykins, Pope, Newsoms, Sunbeam, Courtland, Black, Creek, Franklin, Berlin, Ivor.
- SPOTSYLVANIA**—Partlow, Thornsburg, Travelers' Rest, Courthouse, Brent's Mill, Summit, Chancellorsville, Todd's Lawn, Parker's, Belmont, Brokenburg, Faulconer's.
- TAZEWELL**—Bluestone, Burk's Garden, Cave Creek, Graham, Fall's Mills, Pocahontas, Gratton, Abb's Valley, Tip Top, Benbow, Crockett's Cave, Dry Fork, Gap Store, Freestone, Jeffersonville, North Tazewell, Thompson Valley, Cedar Bluff, Lockhart Chappel, Liberty Hill, Midway, Pounding Mill, Poor Valley, Richlands.
- WARREN**—Front Royal, Linden, Cedarville, Kellers, Milldale, Bowmans, Brownstown, Bentonville, Riverton, Fork Union, Water Lick.
- WARWICK**—Ivy Avenue, Morrison, Denbigh, Stanley.
- WASHINGTON**—North Abingdon, South Abingdon, Bethel, Greenwood, Friendship, Damascus, Oak Hill, Green Cove, Meadow View, Glade Spring, Mahanaim, Fullen's School-House, Hayton's Mill, Hyler's Gap, White's Mill, Greendale, Holston, Brunley Gap, Peters, Phillips, Ketrons, Mendota, Haxwells, Wyndale, Watermans, Three Springs, Oak Grove, Shakesville.
- WISE**—Gladeville, Comepatch, Indian, Norton, Kelly, Round Top, Calburn, Clay House, Bond's Mill, Pound, Big Stone Gap, East Stone Gap, Stonega, Gilly.
- WESTMORELAND**—Oldhams, Kinsale, Hogue, Montross, Warrensville, Oak Grove, Baynesville, Colonial Beach.
- WYTHE**—Boys, Pine Ridge, Pepper's Ferry, Reed Creek, Crockitta, Royal Oak, Rural Retreat, Zion, Henley's, Porter's Cross-Road, Austinville, Foster's Falls, Patterson, Graham Forge, Max Meadow, Repass Mill.
- WILLIAMSBURG CITY**—Williamsburg.
- WINCHESTER**—Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4.
- YORK**—Courthouse, Cockeltown, Fort Magruder, Tabernacle Church.

NAMES OF MAGISTERIAL DISTRICTS IN COUNTIES.

- ACCOMAC COUNTY—Pungoteague, Lee, Metompkin, Atlantic, Islands.
ALBEMARLE COUNTY—Scottsville, Samuel Miller, Whitehall, Ivy, Charlottesville, Rivanna.
ALEXANDRIA COUNTY—Washington, Arlington, Jefferson.
ALLEGHANY COUNTY—Boiling Spring, Covington, Clifton.
AMELIA COUNTY—Leigh, Giles, Jackson.
AMHERST COUNTY—Amherst Courthouse, Temperance, Pedlar, Elon.
APPOMATTOX COUNTY—South Side, Clover Hill, Stonewall.
AUGUSTA COUNTY—South River, North River, Beverly Manor, Riverheads, Middle River, Pastures.
BATH COUNTY—Warm Springs, Cedar Creek, Williamsville, Millboro.
BEDFORD COUNTY—Central, Lisbon, Chamblissburg, Staunton, Otter, Bellevue, Forest, Charlemont.
BLAND COUNTY—Sharon, Sedden, Mechanicsburg, Rocky Gap.
BOTETOURT COUNTY—Amsterdam, Fincastle, Buchanan.
BRUNSWICK COUNTY—Powellton, Meherrin, Red Oak, Sturgeon, Totaro.
BUCHANAN COUNTY—Grundy, Garden, Rock Lick.
BUCKINGHAM COUNTY—Mayesville, Curdsville, Slate River, Marshall, Francisco, James River.
CAMPBELL COUNTY—Rustburg, Seneca, Falling Roger, Otter River, Brookville.
CAROLINE COUNTY—Madison, Reedy Church, Bowling Green, Port Royal.
CARROLL COUNTY—Pine Creek, Laurel Fork, Fancy Gap, Piper Gap, Sulphur Springs.
CHARLES CITY COUNTY—Harrison, Tyler, Chickahominy.
CHARLOTTE COUNTY—Madison, Walton, Bacon, Roanoke, Midway.
CHESTERFIELD COUNTY—Dale, Clover Hill, Midlothian, Matoaca, Manchester, Bermuda.
CLARKE COUNTY—Greenway, Chapel, Battletown, Long Marsh.
CRAIG COUNTY—Newcastle, Alleghany, Simmonsville.
CULPEPER COUNTY—Stevensburg, Cedar Mountain, Catalpa, Salem, Jefferson.
CUMBERLAND COUNTY—Randolph, Madison, Hamilton.
DICKENSON COUNTY—Clintwood, Willis, Ervington, Kenady, Sand Lick.
DINWIDDIE COUNTY—Rowantz, Namozine, Danville, Sapony.
ELIZABETH CITY COUNTY—Chesapeake, Hampton, Wythe.
ESSEX COUNTY—Occupacia, Central, Rappahannock.
FAIRFAX COUNTY—Falls Church, Providence, Dranesville, Centerville, Mount Vernon, Lea.
FAUQUIER COUNTY—Centre, Scott, Marshall, Lee, Cedar Run.
FLOYD COUNTY—Courthouse, Burks Fork, Indian Valley, Alum Ridge, Little River, Locust Grove.
FLUVANNA COUNTY—Columbia, Palmyra, Fork Union, Cunningham.
FRANKLIN COUNTY—Rocky Mount, Snow Creek, Union Hall, Gills Creek, Bonbrook, Little Creek, Maggodee, Blackwater, Long Branch, Brown Hill.
FREDERICK COUNTY—Shawnee, Opequan, Back Creek, Gainesboro, Stonewall.

GILES COUNTY—Pearisburg, Pembroke, Walker's Creek, Newport.
 GLOUCESTER COUNTY—Petsworth, Ware, Abingdon.
 GOOCHLAND COUNTY—Dover, Licking Hole, Byrd.
 GRAYSON COUNTY—Elk Creek, Wilson, Old Town.
 GREENE COUNTY—Standardsville, Ruckersville, Monroe.
 GREENESVILLE COUNTY—Belfield, Hicksford, Zion.
 HALIFAX COUNTY—Banister, Meadsville, Mt. Carmel, Red Bank, Birch Creek, Roanoke, Staunton, Black Walnut.
 HANOVER COUNTY—Beaver Dam, Ashland, Henry.
 HENRICO COUNTY—Varina, Tuckahoe, Fairfield, Brookland.
 HENRY COUNTY—Martinsville, Ridgeway, Horse Pasture, Leatherwood, Reed Creek, Irisburg.
 HIGHLAND COUNTY—Stonewall, Monterey, Blue Grass.
 ISLE OF WIGHT COUNTY—Windsor, Newport, Hardy.
 JAMES CITY COUNTY—Jamestown, Stonehouse, Powhatan.
 KING GEORGE COUNTY—Rappahannock, Potomac, Shiloh.
 KING AND QUEEN COUNTY—Newton, Stevensville, Buena Vista.
 KING WILLIAM COUNTY—West Point, Aquinton, Mangochick.
 LANCASTER COUNTY—White Stone, Mantua, White Chapel.
 LEE COUNTY—Rose Hill, White Shoals, Jonesville, Rocky Station, Yokum Station.
 LOUDOUN COUNTY—Broad Run, Jefferson, Mount Gilead, Mercer, Lovettsville, Leesburg.
 LOUISA COUNTY—Green Springs, Louisa Courthouse, Cuckoo, Jackson.
 LUNENBURG COUNTY—Loch Leven, Columbian Grove, Brown's Store, Lewiston, Rehoboth, Pleasant Grove.
 MADISON COUNTY—Robertson, Rapidan, Locust Dale.
 MATHEWS COUNTY—Chesapeake, Westville, Piankitank.
 MECKLENBURG COUNTY—Boydton, Blue Stone, Chase City, Buckhorn, South Hill.
 MECKLENBURG COUNTY—Flat Creek, Palmer's Springs, Clarksville.
 MIDDLESEX COUNTY—Jamaica, Saluda, Pine Top.
 MONTGOMERY COUNTY—Alleghany, Auburn, Blacksburg, Christiansburg.
 NANSEMOND COUNTY—Sleepy Hole, Chuckatuck, Holy Neck, Cypress.
 NELSON COUNTY—Lovingston, Massie's Mill, Rockfish.
 NEW KENT COUNTY—Black Creek, St. Peter's, Cumberland, Ware Creek.
 NORFOLK COUNTY—Washington, Butt's Road, Pleasant Grove, Deep Creek, Western Branch, Tanner's Creek.
 NORTHAMPTON COUNTY—Franklin, Eastville, Capeville.
 NORTHUMBERLAND COUNTY—Lottsburg, Heathsville, Fairfields, Wicomico.
 NOTTOWAY COUNTY—Bellefonte, Blendon, Winningham, Haytokah.
 ORANGE COUNTY—Barbour, Madison, Taylor, Gordon.
 PAGE COUNTY—Shenandoah, Marksville, Luray, Springfield.
 PATRICK COUNTY—Mayo River, Dan River, Smith's River.
 PITTSYLVANIA COUNTY—Banister River, Callandy, Chatham, Dan River, Pigg River, Staunton River, Tunstalls.
 POWHATAN COUNTY—Huguenot, Spencer, Macon.
 PRINCE EDWARD COUNTY—Hampden, Lockett, Farmville, Leigh, Buffalo.
 PRINCE GEORGE COUNTY—Templeton, Rives, Blackwater, Bland, Brandon.
 PRINCESS ANNE COUNTY—Kempsville, Seaboard, Pungo.
 PRINCE WILLIAM COUNTY—Dumfries, Occoquan, Coles, Brentsville, Manassas, Gainesville.

PULASKI COUNTY—Pulaski, Newbern, Dublin, Hiawassie.

RAPPAHANNOCK COUNTY—Wakefield, Jackson, Hampton, Piedmont, Hawthorne, Stonewall.

RICHMOND COUNTY—Stonewall, Marshall, Washington, Farnham.

ROANOKE COUNTY—Big Lick, Catawba, Cave Spring, Salem.

ROCKBRIDGE COUNTY—South River, Lexington, Kerr's Creek, Buffalo, Natural Bridge, Walker's Creek.

ROCKINGHAM COUNTY—Ashby, Linville, Plains, Stonewall, Central.

RUSSELL COUNTY—Lebanon, Elk Garden, New Garden, Cleveland, Castlewood's, Copper Creek, Moccasin.

SCOTT COUNTY—Estillville, Fulkerson, Johnson, Floyd, Dekalb, Taylor, Powell.

SHENANDOAH COUNTY—Lee, Madison, Johnson, Ashby, Stonewall, Davis.

SMYTH COUNTY—Marion, Rich Valley, St. Clair.

SOUTHAMPTON COUNTY—Boykin's, Newsom's, Drewryville, Franklin, Jerusalem, Berlin and Ivor.

SPOTSYLVANIA COUNTY—Courtland, Chancellor, Livingston, Berkley.

STAFFORD COUNTY—Hartwood, Rock Hill, Aquia, Falmouth.

SURREY COUNTY—Blackwater, Guilford, Cobham.

SUSSEX COUNTY—Courthouse, Henry, Newville, Stony Creek, Wakefield, Waverly.

TAZEWELL COUNTY—Clear Fork, Jefferson, Maiden Spring.

WARREN COUNTY—South River, Front Royal, Fork, Cedarville.

WARWICK COUNTY—Stanley, Denbigh, Newport.

WASHINGTON COUNTY—Abingdon, Goodson, Holston, Glade Spring, Saltville, North Fork, Kinderhook.

WESTMORELAND COUNTY—Washington, Montross, Cople.

WISE COUNTY—Richmond, Lipps, Roberson, Gladeville.

WYTHE COUNTY—Ft. Chiswell, Lead Mines, Speedwell, Black Lick, Wytheville.

YORK COUNTY—Bruton, Nelson, Gratton, Poquoson.

NAMES AND NUMBER OF WARDS OF CITIES.

CITY OF ALEXANDRIA—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF BRISTOL.

CITY OF BUENA VISTA—First Ward, Second Ward.

CITY OF CHARLOTTESVILLE—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF DANVILLE—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF FREDERICKSBURG—Upper Ward, Lower Ward.

CITY OF LYNCHBURG—First Ward, Second Ward, Third Ward.

CITY OF MANCHESTER—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF NEWPORT NEWS—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

CITY OF NORFOLK—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

CITY OF PETERSBURG—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward.

CITY OF PORTSMOUTH—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward.

CITY OF RADFORD—West Ward, East Ward.

CITY OF RICHMOND—Marshall Ward, Jefferson Ward, Madison Ward, Monroe Ward, Lee Ward, Clay Ward, Jackson Ward.

CITY OF ROANOKE—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward.

CITY OF STAUNTON—First Ward, Second Ward.

CITY OF WILLIAMSBURG.

CITY OF WINCHESTER—First Ward, Second Ward, Third Ward, Fourth Ward.

Commissioners of Deeds for Virginia.

TERM, TWO YEARS. IN COMMISSION JANUARY 1, 1904.

NAME AND STATE.	ADDRESS.	WHEN COMMISSIONED.	WHEN QUALIFIED.
MISSOURI:			
Johnson, Harold	401 Roe Building, St. Louis.....	April 6, 1903..	May 27, 1903.
DISTRICT OF COLUMBIA:			
Horne, Pearce, Jr.....	Washington.....	March 5, 1902.	Mar. 10, 1902.
MARYLAND:			
Hall, Chas. O.....	Baltimore	Mar. 25, 1902..	April 14, 1902.
Raleigh, W. H. H.....	Baltimore.....	April 4, 1902..	April 11, 1902.
Grayson, Spence M.....	Baltimore.....	Aug. 18, 1902..	Aug. 21, 1902.
Mathieu, Harry C.....	N. E. corner Lexington and St. Paul, Baltimore.....	Aug. 29, 1902..	Sept. 29, 1902.
Fisher, Abraham H.....	16 E. Lexington, Baltimore.....	Nov. 29, 1902..	Dec. 1, 1902.
Hoffman, Ph. H.....	Equitable Building, Baltimore.....	Dec. 31, 1902..	Jan. 8, 1903.
Hanson, Murray.....	St. Paul and Fayette, Baltimore.....	July 14, 1903..	July 16, 1903.
MASSACHUSETTS:			
Jones, Edward J.....	61 Court street, Boston.....	July 11, 1903..	July 15, 1903.
CONNECTICUT:			
Cleaveland, Livingston W.....	New Haven.....	Mar. 25, 1902..	Mar. 31, 1902.
NEW YORK:			
Carter, Edward.....	310 Washington Street, New York....	Jan. 16, 1902..	Jan. 31, 1902.
McCarthy, Chas. E. A.....	80 Broadway, New York.....	July 1, 1902..	
Coyne, Vaughn M.....	23 Broad street, New York.....	June 26, 1903..	July 15, 1903.
Braman, Joseph B.....	120 Broadway, New York.....	July 14, 1903..	July 20, 1903.
Mills, Charles Edgar.....	115 Broadway, New York.....	Oct. 14, 1903..	Nov. 5, 1903.
Corey, Edwin F.....	50 Wall street, New York.....	Oct. 23, 1903..	Oct. 24, 1903.
Mackay, Alfred.....	45 Cedar street, New York.....	Nov. 16, 1903..	Nov. 21, 1903.
Corey, George H.....	56 Wall street, New York.....	Dec. 7, 1903..	Dec. 9, 1903.
PENNSYLVANIA:			
Hunt, George W.....	623 Walnut street, Philadelphia.....	Jan. 27, 1902..	Jan. 29, 1902.
Wurts, John S.....	1037 R. E. Trust Building, Philadelphia.....	May 29, 1902..	June 2, 1902.
Leonard Frederick M.....	119 S. Fourth street, Philadelphia.....	Feb. 20, 1903..	Feb. 24, 1903.
Hunt, Thomas J.....	623 Walnut street, Philadelphia.....	May 20, 1903..	May 22, 1903.
NEW JERSEY:			
Baake, Charles A.....	Atlantic City, New Jersey.....	Feb. 27, 1902..	March 1, 1902.

ACCOUNT OF THE STATE'S INDEBTEDNESS, TAKEN FROM
THE REPORT OF SECOND AUDITOR, FISCAL
YEAR ENDING SEPTEMBER 30, 1903.

GENERAL STATEMENT.

PUBLIC DEBT ON WHICH INTEREST IS BEING PAID, SEPTEMBER 30, 1903.

DEBT UNDER ACT OF FEBRUARY 14, 1882.

PRINCIPAL.

The amount of bonds and certificates issued under acts of February 14, 1882, and November 20, 1884, bearing three per cent. per annum interest, is.....	\$ 9,289,862 01
Of which there has been received in settlement of indebtedness to the State and cancelled:	
From the Richmond and Danville Railroad Company	\$438,899 45
From the Upper Appomattox Company.....	10,864 26
From defaulting officers and their sureties.....	152,967 54
	<hr/>
Amount cancelled	602,731 25
	<hr/>
Leaving	\$ 8,687,130 76
The Commissioners of the Sinking Fund held \$2,357,576.60 of these bonds, but under requirement of the Century Act (February 20, 1892) they were cancelled, and are no longer a part of the debt, and therefore deducted.....	2,357,576 60
	<hr/>
Leaving total amount outstanding.....	\$ 6,329,554 16
Of which there is held by the Literary Fund.....	1,506,827 28
And there is held by the Commissioners of the Sinking Fund.....	324,000 00
And there is in the hands of the general public.....	4,498,726 88
	<hr/>
	\$ 6,329,554 16
The amount of each class outstanding October 1, 1903, is as follows:	
Registered bonds	\$ 4,167,800 00
Coupon bonds	2,160,500 00
Fractional certificates	1,254 16
	<hr/>
Total	\$ 6,329,554 16
Under acts of both February 14, 1882, and February 20, 1892, registered and coupon bonds are interchangeable at the pleasure of the holders on the payment of a fee of fifty cents for each new bond so issued.	

DEBT UNDER ACT OF FEBRUARY 20, 1892.

Bonds and certificates issued under act of February 20, 1892, and amendments thereto began to bear three per cent. per annum on July 1, 1901, and amount to.....		\$18,050,415 12
Of which there has been received from defaulting officers and their sureties, and cancelled		3,357 26
Leaving		\$18,047,057 86
Of which there is held by the Literary Fund.....		\$276,900 00
And there is held by the Commissioners of the Sinking Fund		787,500 00
Leaving in the hands of the public.....		1,064,400 00
Total		16,982,657 86
Total		\$18,047,057 86
Amount of each class outstanding October 1, 1903:		
Registered bonds		\$10,761,500 00
Coupon bonds		7,283,000 00
Fractional certificates		2,557 86
		\$18,047,057 86

DEBT UNDER ACT OF FEBRUARY 23, 1892.

Schools and College bonds.....	\$ 2,466,455 85
--------------------------------	-----------------

STATEMENT OF THE ENTIRE DEBT

OF VIRGINIA ON WHICH INTEREST IS BEING PAID OCTOBER 1, 1903.

Principal.		Interest.
\$18,047,057 86	Century bonds bearing 3 per cent.....	\$541,411 73
6,329,554 16	Riddleberger bonds bearing 3 per cent.....	189,886 62
2,383,655 85	Schools and Colleges bearing 6 per cent.....	143,019 35
82,800 00	Schools and Colleges bearing 4 per cent.....	3,312 00
\$26,843,067 87		\$877,629 70

EXCHANGE OF BONDS.

During the fiscal year ending September 30, 1903, the following exchanges were made:

Bonds under Acts of 1882 and 1892 are interchangeable in their respective classes from coupon to registered and *vice versa*, at the pleasure of the holders, on the payment of a fee of fifty cents for each new bond so issued.

A comparison of the relative changes in the amounts of registered and coupon bonds shows an increase in favor of registered, which evidences a growing desire for permanent investments, as that class offers the greater security to holders, such as restoration in case of loss by fire, theft, &c.

During the fiscal year ending October 1, 1902, the Century Bonds outstanding, as reported by the Second Auditor, were:

Registered bonds	\$10,344,400 00
Coupon bonds	7,692,000 00

Showing an excess in favor of registered bonds of... \$ 2,652,400 00

The present report, for the fiscal year ending October 1, 1903, has this statement:

Registered bonds	\$10,761,500 00
Coupon bonds	7,283,000 00

Which shows an excess in favor of registered bonds of. \$ 3,478,500 00

To effect these changes in the classes of bonds mentioned above as having been made during this fiscal year, there were required more than five hundred transfers, even under a newly devised system by which fewer were necessary, and also a smaller number of bonds sacrificed in cancellation.

The following shows in detail the exchange of bonds during fiscal year ending September 30, 1903, under act of February 20, 1892:

REGISTERED BONDS UNDER ACT FEBRUARY 20, 1892.

REGISTERED BONDS TRANSFERRED.

Registered to Registered.

456 x \$ 100	\$ 45,600
112 x 500	56,000
326 x 1,000	326,000
60 x 5,000	300,000
64 x 10,000	640,000
1,018 amounting to	\$1,367,600

STATEMENT OF THE RECEIPTS AND EXPENDITURES OF THE PUBLIC MONEY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1903.

Statement showing the Receipts with which the Treasurer is charged on the Books of the Auditor of Public Accounts during the Year ending September 30, 1903.

Agricultural and Mechanical Colleges—Received from the United States for use of said Colleges (see Table No. 4)	\$ 25,000 00
Agricultural Department—Tax on fertilizer tags.....	25,139 56
Arrears of Taxes—Collections on judgments against treasurers	\$ 19,392 65
Collections on judgments against persons who tendered coupons for taxes	902 86
Collection of taxes for which coupons were tendered and coupons subsequently received and delivered to Second Auditor and his check taken therefor and paid into treasury	179 95

20,475 46

Banks—Tax for support government (see Table No. 5)	\$ 53,595 93	
Tax for support schools (see Table No. 5)	21,385 99	
	<hr/>	74,981 92
Boundary line between Tennessee and Virginia—		
Proceeds from sale of tools and other articles used by		
Boundary Commission		5 50
Charters—Fees on		39,351 25
Capitation Tax—Tax of 1898	458 35	
Tax of 1900	293 32	
Tax of 1901	9,680 98	
Tax of 1902	248,062 34	
Tax of 1903	46 20	
	<hr/>	258,541 19
Capitation and Personal Property Tax—Returned in-		
solvent and afterwards collected by special collec-		
tors and clerks of courts		3,996 37
Clerks of Courts—Tax on law process, deeds, wills,		
etc. (See Table No. 6)		136,390 60
Crop Pest—Certificates of registration issued nurseries		
(Table No. 7)		1,100 00
Civil Contingent Fund—Returned by Fourquarean,		
Temple & Co.		68 44
Collateral inheritance tax		19,611 94
Confiscated Weapons—Received from sale of		11 06
Costs in Commonwealth Cases—Collected		3,652 72
Delinquent Lands—Delinquent tax on land, paid be-		
fore sale	19,066 00	
Proceeds from sale of delinquent		
lands to individuals	1,333 69	
Receipts from redemption of lands		
bought by State at tax sales	32,916 13	
	<hr/>	53,315 82
Dispensaries—Receipts from (see Table No. 8)		5,208 93
Escheats—Paid by T. W. Robinson, Treasurer of Alex-		
andria city, money found on stranger killed in rail-		
road yard, June 11, 1903		1 65
Fines—Collected, which belong to Literary Fund		46,172 20
Fraternal Beneficial Associations—		
Fees in suits against them (see Table No. 9)	20 00	
Fees for licenses (see Table No. 9)	370 00	
Tax to pay for publishing their reports (see Table		
No. 9)	183 59	
	<hr/>	573 59
General Assembly—Payment on account of refunded		
(see Table No. 10)		469 65
Income Tax—Tax of 1901	997 52	
Tax of 1902	60,223 97	
	<hr/>	61,221 49

GENERAL STATEMENT.

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Insurance Companies—Tax on licenses (see Table No. 11)	27,401 10	
Tax on premiums (see Table No. 11)	80,115 19	
Tax to pay cost of publishing their reports (see Table No. 11)	278 20	
	<hr/>	107,794 49
Interest—From State depositaries (see Table No. 12) .		12,831 39
Lands—Sales of unappropriated lands		114 89
Library Fund—Receipts for use of Library (see Table No. 13)		1,907 31
Licenses—Licenses other than liquor and sewing machines	478,096 50	
Liquor licenses	401,834 20	
Licenses to appear before committees of the General Assembly (see Table No. 14)....	1,300 00	
Licenses to mercantile agencies (see Table No. 15)	750 00	
Licenses for sale of sewing machines (see Table No. 16)	2,640 00	
	<hr/>	884,020 70
Overpayments Refunded—Payments back into the treasury (see Table No. 17)		1 56
Oyster Tax—Receipts from (see Table No. 18)		60,217 12
Partnership Associations—Fees on		14 25
Pensions Returned—Warrants issued for pensions not used and paid back into the treasury (see Table No. 19)		40 00
Printed Records—Paid into the treasury by clerks of Supreme Court of Appeals (see Table No. 20)		7,734 46
Penitentiary—Hire of convicts		154,588 47
Personal Property Tax—Tax for support of government, 1901	1,539 92	
Tax for support of schools, 1901	513 02	
Tax for support of government, 1902	292,891 85	
Tax for support of schools, 1902	97,633 98	
	<hr/>	392,578 77
*Railroad Companies—Tax to pay salary of Railroad Commissioner (see Table No. 21)	3 72	
Tax for support of government (see Table No. 22)	1,244 94	
Tax for support of schools (see Table No. 22)	388 52	
	<hr/>	1,637 18

Register of Land Office—Fees		441 69
Real Estate Tax—Tax of 1901, for support of govern- ment	14,570 45	
Tax of 1901, for support of schools.	4,857 14	
Tax of 1902, for support of govern- ment	902,247 11	
Tax of 1902, for support of schools.	298,214 13	
	<hr/>	1,219,888 83
Revenue—Five per cent. penalty tax, penalty on taxes uncollected prior to 1st December.....		33,842 50
Seals—Received for sales of adhesive stamps to be used with seals (see Table No. 23)	10,789 15	
Tax on seals collected by notaries.....	77 17	
	<hr/>	10,866 32
Secretary of the Commonwealth—Fees and taxes on seals		6,586 22
*Steamboat Companies—Tax for support of govern- ment (see Table No. 24) ...	983 25	
Tax for support of schools (see Table No. 24)	327 75	
	<hr/>	1,311 00
*Telegraph and Telephone Companies— License tax (see Table No. 25)	2,837 96	
Tax for support of government (see Table No. 25)	274 05	
Tax for support of schools (see Table No. 25) ...	88 72	
	<hr/>	3,200 73
		<hr/>
		\$3,675,507 22
On hand October 1, 1902.....		673,423 19
		<hr/>
		\$4,348,930 41
		<hr/>

Statement showing the amount of Warrants drawn upon the Treasurer by the Auditor of Public Accounts during the Year ending September 30, 1903.

Agricultural and Mechanical Colleges—Amount dis- tributed to them out of money received from the United States for their use (see Table No. 4)		\$ 25,000 00
Agricultural Department—For expenses of.....		30,000 83
Attorney-General—Contingent expenses of his office...	153 08	
Traveling expenses	155 60	
	<hr/>	308 68
Auditor of Public Accounts—Contingent expenses of his office		890 89
Board of Health—For expenses of.....		2,000 00

*Paid no taxes for 1903 in this fiscal year, because their payment was postponed by law until after 30th September.

Board of Public Works—Contingent expenses of.....	267 33
Boundary Line between Virginia and Tennessee—Cost of establishing	1,018 41
Capitol—For repairing and restoring.....	320 10
Cattle Quarantine—For expenses of.....	627 32
Charter Fees—Amounts refunded when bills of incorpo- ration failed to pass (see Table 26).....	584 50
Civil Prosecution—Cost of	2,100 28
Civil Contingent Fund—Paid by order of the Governor	9,554 52
Collateral Inheritance Tax—Commission paid treas- urers for collecting this tax, where commission was not deducted when treasurer remitted the money...	72 42
Commissioners of Sinking Fund—Contingent expenses of	224 34
Commission to Promote Uniformity of Legislation— Expenses of	39 71
Commissioner of State Hospital—For traveling ex- penses, etc.	194 90
Confederate Memorial Associations—For keeping in or- der graves of the Confederate dead (see Table No. 27)	1,435 00
Constitutional Convention	1,384 79
Constitution—Attorney's fees in suits in regard to...	2,044 90
Crop Pest—For extermination of	5,009 81
Courts—For Contingent expenses of.....	24,409 36
Criminal Charges—Paid in the several counties and cities of the Commonwealth (see Table No. 28).....	257,188 42
Paid in suits in United States courts (see Table No. 28).....	536 60
Paid Prison Association of Virginia (see Table No. 28).....	24,146 30
Paid Negro Reformatory (see Table No. 28)	10,351 69
	<hr/>
Corporation Commission—For expenses of office.....	292,223 01
Deaf and Blind Institution—For annual support.....	6,272 61
For new buildings, furni- ture, and repairs	39,999 99
Special appropriation to pay outstanding obliga- tions and current ex- penses	5,000 00
	<hr/>
	40,999 99
Delinquent Lands—Expense of sale and commission to treasurers	1,462 45
Fees to clerks of courts for record- ing delinquent lists and sales...	3,843 52
	<hr/>
	5,305 97

Deposit made by Order of Court—Payment to Nelson Thomas, administrator of Jno. Thomas in suit of Whitlock, trustee, vs. Richmond Banking and Insurance Company	25 60
Erroneous Assessment of Taxes—Amount refunded on account of	90 36
Eye and Ear Infirmary—Paid out of appropriation...	1,584 98
Fines—Turned over to Second Auditor for Literary Fund	34,794 76
Fuel, Ice, and Gas—For Capitol, Governor's Mansion, and State offices	5,034 53
Funding Public Debt—For expenses of	477 50
General Account of Revenue—Commissions to Commissioners of Revenue, postage, and expressage	40,531 99
Commissions to examiners of records (see Table No. 29)	18,306 31
	<hr/>
	58,838 30
General Assembly	144,324 36
Governor's Mansion—Repairs of	6,250 96
Insurance on public buildings	110 00
Interest—Turned over to Second Auditor to pay interest on public debt	855,000 00
Labor Bureau—For salary of commissioner and expenses of office	2,691 67
Labor at Governor's Mansion	650 50
Lee Monument—Expense of advertisement for bids for erection of fence to enclose	8 40
Licenses—Amount refunded for liquor licenses revoked by local-option elections	1,257 35
Louisiana Purchase Exposition—For cost and expense of an exhibit by Virginia	5,000 00
Lunatics—Expense of maintaining lunatics in jail and in care of private individuals and expense of commissions of lunacy	7,639 51
Central State Hospital (colored)—For annual support..	\$104,994 53
For water supply and purchase of lands	11,749 58
	<hr/>
	116,744 11
Eastern State Hospital—For annual support	74,935 11
For new building, for repairs, for water towers, etc.....	15,000 00
Special appropriation to pay balance due on new buildings, for new boilers, and for support	20,000 00
	<hr/>
	109,935 11

Southwestern State Hospital—		
For annual support	61,709	22
Western State Hospital—For		
annual support	105,058	40
Special appropriation to pay		
outstanding obligations	16,302	46
	<hr/>	121,360 86
	<hr/>	417,388 81
Library Fund—For expense of Library, paid by order		
of Library Board		767 21
Marriages—Expense of registration		352 11
Medical College of Virginia—For annual support.....		5,000 00
Military Fund		12,445 36
Military Contingent Fund—Pay of volunteers when as-		
sisting the civil authorities (see Table No. 30)		66,996 32
Officers of the Government—Salaries		117,338 48
Oyster Fund—Expense of steamers and sailing vessels.	19,264	05
Expenses and salaries of Board of Fish-		
eries	3,309	79
Expense of survey	30	80
	<hr/>	22,604 64
Overpayments—Amounts returned to cover overpay-		
ments into the treasury (see Table No. 31)		7,991 64
Pensions—Amount paid under act of		
March 5, 1888, for 1902 (see		
part 1 of Table No. 32) ...	660	00
Amount paid under act of		
March 5, 1888, for 1903 (see		
part 1 of Table No. 32)	84,460	00
	<hr/>	85,120 00
Amount paid under act of		
March 7, 1900, for 1902 (see		
part 2 of Table No. 32)	70,166	00
Amount paid under act of		
March 7, 1900, for 1903 (see		
part 2 of Table No. 32)	131,195	00
	<hr/>	201,361 00
Amount paid under act of		
April 2, 1902, for 1903 (see		
part 3 of Table No. 32)	60,135	00
	<hr/>	346,616 00
Contingent expenses connected		
with payment of		588 84
Pension clerk's salary		888 00
Penitentiary—For new building		31,755 11

For salaries of directors	474 00	
For salaries of guards.....	27,701 40	
For salaries of officers	7,698 77	
For expense of conveying convicts.....	5,983 62	
Money paid into the treasury for the hire of convicts and afterwards drawn out	110,168 59	
	<hr/>	152,026 38
Police and Employees at Capitol, Governor's Mansion, and State Library Building—Salaries.....		10,377 87
Printing records of the Supreme Court of Appeals....		7,193 26
Public printing		24,704 76
Public Free Schools—School warrants	818,139 00	
Turned over to Board of Educa- tion for schools, extra appro- priation	200,000 00	
	<hr/>	1,018,139 00
Railroad Commissioner—For contingent expenses of office		499 55
Register of the Land Office—For contingent expenses of office		600 00
Reporter of the Court of Appeals—Salary.....		1,194 00
Roster of Confederate Soldiers—Commissions paid Commissioners of Revenue for reporting.....		2 82
Secretary of the Commonwealth—For contingent ex- penses of office....	600 00	
For telephone in office	54 00	
Paid for clerical force to record charters.	1,200 00	
Paid for additional clerical force to pre- pare for State Cor- poration Commis- sion a list of char- ters recorded in his office	144 00	
	<hr/>	1,998 00
Seals—For printing adhesive stamps to use with seals.		60 00
Second Auditor—For contingent expense of office.....		197 07
Soldiers' Home—For annual support.....		35,000 00
Special Appropriations—Paid on account of (see Table No. 33)		18,178 10
State Female Normal School—For annual support....	18,333 32	
For new buildings.....	10,000 00	
	<hr/>	28,333 32
Stenographer to Court of Appeals—Salary.....		1,194 00
Telephones—For use of at Capitol and State Library Building		138 00
Treasurer of Virginia—Contingent expenses of office..		247 81

GENERAL STATEMENT.

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University of Virginia—For annual support, including \$10,000.00 to pay interest		50,000 00
Virginia Agricultural and Mechanical College and Poly- technic Institute—For annual support.....	40,000 00	
For interest (special appropriation)	6,750 00	
		<hr/> 46,750 00
Virginia Military Institute—For annual support.....	25,000 00	
For new buildings.....	4,900 00	
		<hr/> 29,000 00
Virginia Normal and Industrial Institute—For annual support	15,000 00	
Special appropriation to pay outstanding obliga- tions and to put in operation the industrial re- quirements of the school	5,000 00	
		<hr/> 20,000 00
Virginia Reports—For cost of publishing reports and decisions of the Court of Appeals.....		2,720 79
William and Mary College—For annual support.....	15,000 00	
For electric light plant, or other system of lighting	5,000 00	
		<hr/> 20,000 00
		<hr/> \$4,076,718 19
On hand October 1, 1903.....		272,214 22
		<hr/> \$4,348,930 41

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AN INDEX
TO
“An Act Concerning Corporations.”

ACTS 1902-3, PAGE 437 *et seq.*

By HOWELL C. FEATHERSTON,
OF THE LYNCHBURG BAR.

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Constitution of Virginia.

IN EFFECT JULY 10, 1902.

Whereas, pursuant to an act of the General Assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question, "shall there be a convention to revise the Constitution and amend the same?" was submitted to the electors of the State of Virginia, qualified to vote for members of the General Assembly, at an election held throughout the State on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

Whereas, the General Assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this convention were elected by the good people of Virginia, to meet in convention for such purpose.

We, therefore, the people of Virginia, so assembled in convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations, do ordain and establish the following revised and amended Constitution for the government of the Commonwealth:

ARTICLE I.

BILL OF RIGHTS.

A DECLARATION OF RIGHTS, made by the representatives of the good people of Virginia assembled in full and free Convention; which rights do pertain to them and their posterity, as the Basis and Foundation of Government.

Section 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Sec. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found

inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Sec. 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

Sec. 5. That the legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Sec. 6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Sec. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the state revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

Sec. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to

seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Sec. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Sec. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

Sec. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Sec. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Sec. 15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Sec. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

Sec. 17. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Sec. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his state poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Sec. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Sec. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

Sec. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all state poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law

may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Sec. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the state poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Sec. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons, who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

Sec. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Sec. 25. The General Assembly shall provide for the annual registration of voters under section Twenty, for an appeal by any person denied registration for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

Sec. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 27. All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce*, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all state, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected: provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

Sec. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Sec. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

Sec. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Sec. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability; so help me God."

Sec. 35. No person shall vote at any legalized primary election for the nomi-

nation of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Sec. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: provided, that the secrecy of the voting be not thereby impaired.

Sec. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the state poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

ARTICLE III.

DIVISION OF POWERS.

Sec. 39. Except as hereinafter provided, the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Sec. 40. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Sec. 41. The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

Sec. 42. The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

Sec. 43. The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a reapportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

Sec. 44. Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the state government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; no person holding any office or post of profit or emolument under the United States Government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district in which he is elected, shall vacate his office.

Sec. 45. The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people.

Sec. 46. The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

Sec. 47. The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose from their own body a president *pro tempore*. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Sec. 48. Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

Sec. 49. Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 50. No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been,

- (a) Referred to a committee of each house, considered by such committee in session, and reported;
- (b) Printed by the house, in which it originated, prior to its passage therein;
- (c) Read at length on three different calendar days in each house; and unless,
- (d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported; provided that the printing and reading, or either, required in subdivisions (b) and (c) of this sec-

tion, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against, entered on the journal; and provided further, that no bill which creates, or establishes a new office, or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax and no law shall be construed as so stating such tax, which requires a reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

Sec. 51. There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on special, private, and local legislation. Before reference to a committee, as provided by section Fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying statement, shall take the course provided by section Fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section Fifty for the discharge of other committees.

Sec. 52. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

Sec. 53. No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill), the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

Sec. 54. The Governor, Lieutenant-Governor, Attorney-General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate, which shall have the sole power to try impeachment. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy

any office of honor, trust, or profit under the State; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Sec. 55. The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

Sec. 56. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Sec. 57. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section Twenty-three, of Article Two, of this Constitution, with reference to duelling.

Sec. 58. The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Sec. 59. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Sec. 60. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

Sec. 61. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

Sec. 62. The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Sec. 63. The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish for contempt. The General Assembly shall not enact local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before, the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension or pensions.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
17. Creating private corporations, or amending, renewing, or extending the charters thereof.
18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.
19. Naming or changing the name of any private corporation or association.
20. Remitting the forfeiture of the charter of any private corporation except upon the conditions that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

Sec. 64. In all the cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or

indirectly to enact, and shall not have the effect of the enactment of a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article Thirteen. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

Sec. 65. The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

Sec. 66. The Clerk of the House of Delegates shall be Keeper of the Rolls of the State but shall receive no compensation from the State for his services as such.

The General Assembly by general law shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof, and fix their compensation at a *per diem* for the time actually employed in the discharge of their duties.

Sec. 67. The General Assembly shall not make any appropriation of public funds, of personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution, which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to non-sectarian institutions for the reform of youthful criminals; but nothing herein contained shall prohibit the General Assembly from authorizing counties, cities, or towns to make such appropriations to any charitable institution or association.

Sec. 68. The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, which shall be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, examine the books and accounts of the First Auditor, the State Treasurer, the Secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the state revenue, report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. The Governor shall, at the beginning of each session, submit said reports to the General Assembly for appropriate action. The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and employ one or more accountants to assist in its investigations.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Sec. 69. The chief executive power of the State shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of February next succeeding his election, and be ineligible to the same office for the

term next succeeding that for which he was elected, and to any other office during his term of service.

Sec. 70. The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

Sec. 71. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

Sec. 72. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

Sec. 73. The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant-Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore*, successors to all officers so suspended, and to fill, *pro tempore*, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations, as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed

prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

Sec. 74. The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of state institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney-General upon any question of law affecting the official duties of the Governor.

Sec. 75. Commissions and grants shall run in the name of Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Sec. 76. Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto: provided, that if after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

Sec. 77. A Lieutenant-Governor shall be elected at the same time and for the

same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Sec. 78. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 79. The Lieutenant-Governor shall be president of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Sec. 80. A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary, and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

Sec. 81. A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. His powers and duties shall be prescribed by law.

Sec. 82. An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Sec. 83. The salary of each officer of the Executive Department, except in those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

Sec. 84. The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

Sec. 85. All State officers, and their deputies, assistants or employees, charged with the collection, custody, handling, or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

Sec. 86. The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

Sec. 87. The Judiciary Department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

Sec. 88. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of *habeas corpus*, *mandamus*, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the State revenue. No bond shall be required of any accused person as a condition of appeal, but a *supersedeas* bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of *habeas corpus*, *mandamus*, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

Sec. 89. The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of

either of said courts, or of any of the judges of said courts together with one or more of the judges of the Supreme Court of Appeals.

Sec. 90. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

Sec. 91. The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and twelve years, respectively; and thereafter they shall be elected for terms of twelve years.

Sec. 92. The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

Sec. 93. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

Sec. 94. The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greensville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Danville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

Sec. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.

Sec. 96. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.

Sec. 97. The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

Sec. 98. For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city,

at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.

Sec. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

Sec. 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State, or any part thereof.

Sec. 101. The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law in the matter of the admission of wills to probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Sec. 102. All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Sec. 103. The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other

half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the state treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, or any one or more of them as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

Sec. 104. Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 105. No judge of the Supreme Court of Appeals, of the circuit court, or of any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Sec. 106. Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

Sec. 107. An Attorney-General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Sec. 108. The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

Sec. 109. The General Assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.

ARTICLE VII.

ORGANIZATION AND GOVERNMENT OF COUNTIES.

Sec. 110. There shall be elected by the qualified voters of each county, one county treasurer, who shall not be elected or serve for more than two consecutive terms, nor act as deputy of his immediate successor; one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected or appointed, for four years, as the General

Assembly may provide, commissioners of the revenue, for each county, the number, duties and compensation of whom shall be prescribed by law; but should such commissioners of the revenue be chosen by election by the people then they shall be ineligible for re-election to the office for the next succeeding term.

There shall be appointed, for each county, in such manner as may be provided by law, one superintendent of the poor, and one county surveyor.

Sec. 111. The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

Sec. 112. All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years; provided that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

Sec. 113. No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Sec. 114. Counties shall not be made responsible for the acts of the sheriffs.

Sec. 115. The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

ARTICLE VIII.

ORGANIZATION AND GOVERNMENT OF CITIES AND TOWNS.

Sec. 116. As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

Sec. 117. General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be

passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly: provided, that every such charter is hereby amended so as to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

Sec. 118. In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Sec. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth, for such circuit court.

In every city there shall be elected, or appointed, for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law; but should he be elected by the people, he shall be ineligible for re-election to the office for the next succeeding term.

Sec. 120. In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years, but he shall not be eligible for more than two consecutive terms, nor act as deputy for his immediate successor; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities and towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if

there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws.

Sec. 121. There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give as far as practicable, to each ward of such city, equal representation in each branch or said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries, of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, reapportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a *mandamus* shall lie on behalf of any citizen thereof to compel its performance.

Sec. 122. The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidentally with that of the judges of said courts: provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

Sec. 123. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it, but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If after such consideration two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same.

Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

Sec. 124. No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge, company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

Sec. 125. The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation

therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

Sec. 126. The General Assembly shall provide by general laws for the extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

Sec. 127. No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section: and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a.) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year; provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year;

(b.) Bonds authorized by an ordinance enacted in accordance with section One Hundred and Twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

Sec. 128. In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of state taxation, whenever there shall be a state assessment of such property.

ARTICLE IX.

EDUCATION AND PUBLIC INSTRUCTION.

Sec. 129. The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

Sec. 130. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continue its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

Sec. 131. The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be *ex-officio* president; and his compensation shall be fixed by law.

Sec. 132. The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the

Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Sec. 133. Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law.

Sec. 134. The General Assembly shall set apart as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate.

Sec. 135. The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment: but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects state taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of state revenue to the support of the schools not less than that provided in this section.

Sec. 136. Each county, city, town if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

Sec. 137. The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

Sec. 138. The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees.

Sec. 139. Provision shall be made to supply children attending the public schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

Sec. 140. White and colored children shall not be taught in the same school.

Sec. 141. No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in

its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

Sec. 142. Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X.

AGRICULTURE AND IMMIGRATION.

Sec. 143. There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be *ex-officio* a member of the board: provided, that members of the board first appointed under this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

Sec. 144. The powers and duties of the board shall be prescribed by law: provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

Sec. 145. There shall be a Commissioner of Agriculture and Immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

Sec. 146. The president of the Board of Agriculture and Immigration shall be *ex-officio* a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI.

PUBLIC INSTITUTIONS AND PRISONS.

Sec. 147. There shall be a state penitentiary, with such branch prisons and prison farms as may be provided by law.

Sec. 148. There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons, and prison farms, and shall appoint the su-

perintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons, and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively; and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

Sec. 149. For each state hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it is appointed, under the supervision and control of the general board of directors hereinafter constituted. The terms of the directors first appointed shall be two, four, and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

Sec. 150. There shall be a general board of directors for the control and management of all the state hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

Sec. 151. The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital, shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital.

Sec. 152. There shall be a Commissioner of State Hospitals for the Insane, who shall be appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be *ex-officio* chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

ARTICLE XII.

CORPORATIONS.

Sec. 153. As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the

State; the term "charter" shall be construed to mean the charter of incorporation by, or under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered"; the terms "rate," "charge" and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Federal Constitution, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Sec. 154. The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or mis-user. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

Sec. 155. A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February, nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. When-

ever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned *sine die* without confirming the same, nor shall he be eligible for re-appointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court. The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control, of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued, by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

Sec. 156 (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic cor-

porations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The Commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for

four consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws: provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisal of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as

may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offence: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in subsection *e* of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney-General or his legally appointed representative. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties: provided, however, that the writs of *mandamus* and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of *supersedeas* may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic or any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been executed and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the par-

ties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any *supersedeas*), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus*, and Commonwealth's, cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest) before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time substitute therefor

such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned: provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(k) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner, shall cease to exist; and all books, papers and documents pertaining thereto, shall be transferred to, and become a part of the records of, the office of the State Corporation Commission.

(l) After the first day of January, nineteen hundred and five, in addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend subsections *a* to *i*, inclusive, of this section, or any of them, or any such amendment thereof: provided, that no amendment made under authority of this subsection shall contravene the provisions of any part of this Constitution other than the subsections last above referred to or any such amendment thereof.

Sec. 157. Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing

business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other, tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by, this article; but the General Assembly may relieve from the payment of the said registration fee any purely charitable institution or institutions.

Sec. 158. Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

Sec. 159. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 160. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance—but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the

commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Sec. 161. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any State, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Sec. 162. The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a non-assignable duty: provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the road-

way, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Sec. 163. No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corporations whenever, and in whatsoever respect, it may deem wise or expedient.

Sec. 164. The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abridged.

Sec. 165. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

Sec. 166. The exclusive right to build or operate railroads parallel to its own, or any other, line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway, any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac railroad.

Sec. 167. The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued; and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services and property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

ARTICLE XIII.

TAXATION AND FINANCE.

Sec. 168. All property, except as hereinafter provided, shall be taxed; all taxes, whether State, local or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Sec. 169. Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property,

so as to specify and determine upon what subjects, State taxes, and upon what subjects, local taxes may be levied.

Sec. 170. The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose State franchise taxes, and in imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed. No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements shall be imposed on abutting land owners.

Sec. 171. The General Assembly shall provide for a re-assessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

Sec. 172. The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

Sec. 173. The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

Sec. 174. After this Constitution shall be in force, no statute of limitation shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a *bona fide* purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

Sec. 175. The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

Sec. 176. The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for State, county, city, town, and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons: provided, that no tax shall be laid upon the net income of such corporations.

Sec. 177. Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual State franchise tax equal to one per centum upon the gross receipts hereinafter specified in section One Hundred and Seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section One Hundred and Seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, and upon its property assessed under section One Hundred and Seventy-six: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section One Hundred and Fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section One Hundred and Seventy; and provided, further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

Sec. 178. The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporations for the year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within

and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other states over similar facilities or advantages in this State.

Sec. 179. Each corporation mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law, in force January the first, nineteen hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other State taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporations. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

Sec. 180. Any corporation aggrieved by the assessment and ascertainment made under sections One Hundred and Seventy-six and One Hundred and Seventy-eight may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of complaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney-General, whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallow the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

Sec. 181. After January the first, nineteen hundred and three, the system of taxation, as to the corporations mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven, shall be as set forth in sections One Hundred and Seventy-six to One Hundred and Eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law: provided,

that, if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

Sec. 182. Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed, by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

Sec. 183. Except as otherwise provided in this Constitution, the following property and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public-school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such, and so exclusively used, and public burying-grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy, and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles, in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, and heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

Sec. 184. No debt shall be contracted by the State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate or other evidence of State indebtedness, shall be issued except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 185. Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence whatsoever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city or town from perfecting a subscription to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and freeholders of such county,

city or town in favor of such subscription: provided, that such vote be had prior to July first, nineteen hundred and three.

Sec. 186. All taxes, licenses, and other revenue of the State, shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years after the end of the session of the General Assembly, at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city, or town pay any debt or obligation created by such county, city, or town in aid of said war.

Sec. 187. The General Assembly shall provide and maintain a sinking fund in accordance with the provisions of section Ten of the act, approved February the twentieth, eighteen hundred and ninety-two, entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February the fourteenth, eighteen hundred and eighty-two." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

Sec. 188. No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

Sec. 189. On all lands and the improvements thereon, and on all tangible personal property, not exempt from taxation by the provisions of this article, the rate of State taxation shall be twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the expenses of the government and the indebtedness of the State, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State: provided, that after the first day of January, nineteen hundred and seven, the tax rate upon said real and personal property, for such purposes shall be prescribed by law. But the General Assembly during such period of four years, in addition to making annually an appropriation for pensions not to exceed the last appropriation made for such purpose prior to September the thirtieth, nineteen hundred and one, may levy annually, a special tax for pensions, on such real and personal property of not exceeding five cents on the hundred dollars of the assessed value thereof.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

HOMESTEAD AND OTHER EXEMPTIONS.

Sec. 190. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under any execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last-named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article;

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer or officer of a court.

Sec. 191. The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

Sec. 192. The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Sec. 193. Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution; provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections One Hundred and Ninety and One Hundred and Ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter One Hundred and

Seventy-eight of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Sec. 194. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

HEIRS OF PROPERTY.

Sec. 195. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seised, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

ARTICLE XV.

FUTURE CHANGES IN THE CONSTITUTION.

Sec. 196. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

Sec. 197. At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same"? shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

SCHEDULE.

That no inconvenience may arise from the adoption of this Constitution, and in order to provide for carrying it into complete operation, it is hereby ordained that:

Section 1. The common law and the statute laws in force at the time this Constitution goes into effect, so far as not repugnant thereto or repealed thereby, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly.

Sec. 2. All ordinances adopted by this Convention, and appended to the official draft of the Constitution delivered to the Secretary of the Commonwealth, shall have the same force and effect, as if they were parts of this Constitution.

Sec. 3. Except as modified by this Constitution, all writs, actions and causes of action, prosecutions, rights of individuals, of bodies corporate or politic, and of the State, shall continue. All legal proceedings, civil and criminal, pending at the time this Constitution goes into effect, or instituted prior to the first day of February, nineteen hundred and four, in any county or circuit court as now existing, shall be prosecuted therein: provided, that all such matters, which are not finally terminated before the day last above mentioned, shall, on that date, by operation of this Constitution and Schedule, be transferred to the circuit court of the county or city created under this Constitution, and shall be proceeded with therein. All such matters pending in the city courts, preserved by this Constitution, when the same goes into effect, or thereafter instituted therein, shall continue in said courts, and be therein proceeded with, until otherwise provided by law. All matters before justices of the peace or police justices at the time this Constitution goes into effect, shall be proceeded with before them, until otherwise provided by law. All legal proceedings prosecuted after this Constitution goes into effect, whether in any of the courts now existing, or in those created by this Constitution, shall be proceeded with in the manner now or hereafter provided by law, except as otherwise required by this Constitution.

Sec. 4. All taxes, fines, penalties, forfeitures and escheats, accrued or accruing to the Commonwealth, or to any political subdivision thereof, under the present Constitution, or under the laws now in force, shall, under this Constitution, enure to the use of the Commonwealth, or of such subdivision thereof.

Sec. 5. All recognizances, and other obligations, and all other instruments entered into or executed before the adoption of this Constitution, or before the complete organization of the departments thereunder, to the Commonwealth, or to any county, or political subdivision thereof, city, town, board, or other public corporation, or institution therein, or to any public officer, shall remain binding and valid, and rights and liabilities thereunder shall continue and may be enforced or prosecuted in the courts of this State as now or hereafter provided by law.

Sec. 6. From the day this Constitution goes into effect, the present judges of the Supreme Court of Appeals, or their successors then in office, shall be the judges of the Supreme Court of Appeals created by this Constitution, and continue in office, unless sooner removed, until February the first, nineteen hundred and seven. The jurisdiction of the court shall be as now or hereafter provided by law, subject to the provisions of this Constitution. All proceedings, then pending in the court as now organized, shall, by virtue of this Constitution, be transferred to and disposed of by the court created by this Constitution.

Sec. 7. The present judicial system of county and circuit courts of the Commonwealth is continued, and the terms of the several judges thereof, with the powers and duties now possessed by them respectively, are continued, until the first day of February, nineteen hundred and four, as if this Constitution had not

been adopted; on which day the judicial system of circuit courts created by this Constitution shall go into operation. The terms of the judges of the city courts, as preserved by this Constitution, of the cities of Alexandria, Charlottesville, Danville, Fredericksburg, Lynchburg, Petersburg, Norfolk, Portsmouth, Richmond, Staunton, Manchester, Roanoke, Winchester, and Newport News, shall continue until the first day of February, nineteen hundred and seven; and the terms of the judges of the city courts, as preserved by this Constitution, of the cities of Bristol, Radford and Buena Vista, shall continue until the first day of February, nineteen hundred and four, unless the said courts shall be sooner abolished. The privilege now allowed by statute to judges of county courts and to judges of certain city courts to practice law, shall continue during the terms of the judges whose terms are continued by this Schedule, unless otherwise provided by law.

Sec. 8. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon, the several clerks of the county courts in those counties in which such clerks are now *ex-officio* clerks of the circuit courts of said counties shall be and become the county clerks of their respective counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Wythe, and, as such, the clerks of the circuit courts created therefor by this Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; provided, that the first term of the clerks so elected be for six years. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Wythe, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, county clerks for such counties. The terms of the clerks now in office, or their successors, of the several city courts preserved by this Constitution, shall continue until the first day of January, nineteen hundred and seven; and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; but if any of such city courts shall be sooner abolished as provided in this Constitution or by law, then the term of the clerk of any such court shall thereupon determine.

Sec. 9. The first election of the Governor and of all officers required by this Constitution, to be chosen by the qualified voters of the State at large, shall be held on the Tuesday after the first Monday in November, nineteen hundred and five, and their terms of office shall begin on the first day of February following their election. The present incumbents of said offices, or their successors, shall continue in office until the last-named day.

Sec. 10. The first election of members of the House of Delegates, and of all county and district officers, to be elected by the people under this Constitution, except as otherwise provided in this Schedule, shall be held on Tuesday after the first Monday in November, in the year nineteen hundred and three; and the terms of office of the several officers elected at that or any subsequent election shall begin on the first day of January, next after their election, except as other-

wise provided in this Constitution or in this Schedule. And the terms of the office of the sheriff, Commonwealth's attorney, treasurer, commissioners of the revenue, superintendents of the poor, supervisors of the several counties, justices of the peace, and overseers of the poor, and of any incumbent of any other county or district office not abolished by this Constitution, nor herein specifically mentioned, now in office, or their successors, or whose terms of office shall begin on the first day of July, nineteen hundred and two, are continued until January the first, nineteen hundred and four.

The terms of the present members of the House of Delegates, and the terms of the Senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing even numbers, are extended until the second Wednesday in January, nineteen hundred and four; provided, that the term of the senator, now residing in the city of Richmond, who by the provisions of the apportionment act, approved April the second, nineteen hundred and two, is continued in office as one of the senators from the thirty-eighth senatorial district thereby created, be extended until the second Wednesday in January, nineteen hundred and six. The terms of the senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing odd numbers are extended until the second Wednesday in January, nineteen hundred and six.

In the senatorial districts bearing even numbers, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and three, for a term of four years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; in the senatorial districts bearing odd numbers, and in the city of Richmond to fill the vacancy, which will, as above provided, occur on the second Wednesday in January, nineteen hundred and six, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and five, for a term of two years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; and on the Tuesday after the first Monday in November, nineteen hundred and seven, there shall be elected, for the term of four years, to begin on the second Wednesday in January succeeding their election, a senator from each senatorial district in the State.

Sec. 11. All other State, county, and district officers, and their successors, who may be in office at the time this Constitution goes into effect, except the Auditor of Public Accounts, the Second Auditor, the Register of the Land Office, the Superintendent of Public Printing, the Commissioner of Labor and Industrial Statistics, Railroad Commissioner, notaries public, the Adjutant-General, the Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, and the school superintendents for counties and cities, and school trustees, shall, unless their respective offices be abolished, or unless otherwise provided by this Constitution or Schedule, hold their respective offices, and discharge the respective duties and exercise the respective powers thereof, until January the first, nineteen hundred and four. The terms of the present incumbents in the offices of Auditor of Public Accounts, Second Auditor, Register of the Land Office, Superintendent of Public Printing, and Commissioner of Labor and Industrial Statistics, shall continue until March the first, nineteen hundred and four. The term of the Railroad Commissioner shall end as soon as the State Corporation Commission shall be organized. Notaries public shall continue in office until

their respective commissions shall expire. The term of the office of Adjutant-General shall expire March the first, nineteen hundred and six. The Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, shall continue in office until their successors shall be appointed by the respective boards empowered under this Constitution to make the several appointments. The school superintendents for counties and cities shall remain in office for their respective terms, and until their successors are appointed. School trustees now in office, or their successors, shall remain in office until otherwise provided by law. Electoral boards with the powers conferred by existing laws, except the appointment of registrars, shall remain in office until March the first, nineteen hundred and four.

Sec. 12. The terms of the State Board of Education, the State Corporation Commission and the Board of Agriculture and Immigration, the directors of public institutions and prisons, and of each State hospital, and the Commissioner of State Hospitals, to be first elected, or appointed, under this Constitution, shall begin on March the first, nineteen hundred and three. The board of any of the above-named departments and institutions as now constituted shall continue until the boards created under this Constitution for such departments and institutions respectively are duly organized. And the terms of the members of the Board of Fisheries are continued until March the first, nineteen hundred and six. The terms of the trustees or visitors of the State educational institutions, and other honorary appointments made by the Governor, are continued until otherwise provided by law.

Sec. 13. Charters of incorporation may, until the first day of April, nineteen hundred and three, be granted or amended by the courts of the State in accordance with the laws in force when this Constitution goes into effect, unless the General Assembly shall sooner provide for the creation of corporations as required by this Constitution.

Sec. 14. The terms of all officers elected by the qualified voters of a city, and of their successors, in office at the time this Constitution goes into effect, or whose terms of office begin on the first day of July, nineteen hundred and two, except the terms of mayors, of members of city councils and of the clerks of city courts, are continued until January the first, nineteen hundred and six; and their successors shall be elected on the Tuesday after the first Monday in November, nineteen hundred and five. The terms of all city officers, not so elected, shall expire as provided in the charters of the several cities, or as may be provided by law.

Sec. 15. Until otherwise provided by law, the mayors of the several cities shall continue in office until September the first, nineteen hundred and four, and their successors shall be elected the second Tuesday in June, nineteen hundred and four. Until otherwise provided by law, the members of the several city councils shall continue in office for the terms prescribed in the charters of their respective cities, except that where their terms are prescribed as ending on the first day of July of any year, they shall be extended until the first day of September following.

Sec. 16. Vacancies in any office, the term of which is confirmed or extended by this Schedule, occurring during such term or extension thereof, shall be filled in the manner prescribed by law.

Sec. 17. All officers, whose terms of office are extended by this Schedule, re-

quired by law or municipal ordinance to give bond for the faithful discharge of the duties of their respective offices, shall, prior to the expiration of the terms for which they were respectively chosen, before the court or other authority before whom such officer was required by law or municipal ordinance to give such bond, enter into a new bond, in the same penalty and with such security as was prescribed by law or municipal ordinance in respect to his former bond, and with like conditions as therein prescribed, for the faithful discharge of the duties of his office for the extended term herein provided for; and until his successor shall have been duly chosen, and shall have qualified according to law. Upon failure to give such bond within the time above prescribed, the office shall, upon the expiration of the term for which the incumbent thereof was chosen, become vacant.

Sec. 18. In all elections held after this Constitution goes into effect, the qualifications of electors shall be those required by Article Two of this Constitution.

Sec. 19. The General Assembly which convened on the first Wednesday in December, nineteen hundred and one, shall be called by the Governor to meet in session at the Capitol at twelve o'clock M., on Tuesday, the fifteenth day of July, nineteen hundred and two. It shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of its session, qualifications of members, and as to the time at which any of its acts shall take effect; but the ineligibility of the members thereof to be elected to any other office during their terms as members of the General Assembly shall be such as is imposed by this Constitution. The said General Assembly shall elect judges for all of the circuit courts provided for in this Constitution, and also of the corporation courts for Bristol, Radford, and Buena Vista, unless said city courts are sooner abolished.

Sec. 20. The said General Assembly shall enact such laws as may be deemed proper, including those necessary to put this Constitution into complete operation; to confirm those officers whose appointment is made by this Constitution subject to confirmation by the General Assembly or either house thereof; and to transact other proper business; and such session shall continue so long as may be necessary. The members shall receive for their services four dollars per day, for the time when the General Assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law; the Speaker of the House of Delegates and President of the Senate shall each receive seven dollars per day for the same period and the mileage provided by law; and the other officers and employees shall receive such compensation for their services as the General Assembly may prescribe. Provision may be made for compensation at said rate of four dollars per day of members of legislative committees which may sit during any recess of said session.

Sec. 21. The compensation and duties of the Clerk of the House of Delegates and of the Clerk of the Senate shall continue as now fixed by law until the first of January, nineteen hundred and three, after which date their compensation shall be as prescribed by section Sixty-six of this Constitution.

Sec. 22. When the General Assembly convenes on the fifteenth day of July, nineteen hundred and two, its members and officers, before entering upon the discharge of their duties, shall severally take and subscribe the oath or affirmation prescribed by section Thirty-four of the Constitution. And not later

than the twentieth day of July, nineteen hundred and two, the Governor and all other executive officers of the State, whose offices are at the seat of government, and all judges of courts of record, shall severally take and subscribe such oath or affirmation; and upon the failure of any such officer, executive or judicial, to take such oath by the day named, his office shall thereby become vacant. Such oaths or affirmations shall be taken and subscribed before any person authorized by existing laws to administer an oath. The Secretary of the Commonwealth shall cause to be printed the necessary blanks for carrying into effect this provision, and the said oaths and affirmations so taken and subscribed, except of the members and officers of the General Assembly, shall be returned to and filed in his office; and those taken by the members and officers of the General Assembly shall be preserved in the records of the respective houses.

Sec. 23. The official copy of the Constitution and Schedule, and of any ordinance adopted by the Convention, shall, as soon as they shall be enrolled, be signed by the President and attested by the Secretary of the Convention, and the President will thereupon cause the same to be delivered to the Secretary of the Commonwealth, who will file and preserve the same securely among the archives of the State in his custody.

The Secretary of the Commonwealth will cause the Constitution, Schedule, and said ordinances to be transcribed in a book to be provided for the purpose and safely kept in his office.

The Secretary of the Convention will immediately upon the adoption of this Schedule, deliver a certified copy of the Constitution and Schedule, and of said ordinances, to the Governor of the Commonwealth.

Sec. 24. The Governor is authorized and directed to immediately issue his proclamation announcing that this revised and amended Constitution has been ordained by the people of Virginia, assembled in Convention, through their representatives, as the Constitution for the government of the people of the State, and will go into effect as such, subject to the provisions of the Schedule annexed thereto, on the tenth day of July, nineteen hundred and two, at noon, and calling upon all the people of Virginia to render their true and loyal support to the same, as the organic law of the Commonwealth.

Sec. 25. This Constitution shall, except as is otherwise provided in the Schedule, go into effect on the tenth day of July, nineteen hundred and two, at noon.

This Schedule shall take effect from its passage.

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Article I.—Bill of Rights.

Article II.—Elective Franchise and Qualifications for Office.

Article III.—Division of Powers.

Article IV.—Legislative Department.

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Article VI.—Judiciary Department.

Article VII.—Organization and Government of Counties.

Article VIII.—Organization and Government of Cities and Towns.

Article IX.—Education and Public Instruction.

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Schedule.



